



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau

FINAL REPORT

Montana Child and Family Services Review

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EXECUTIVE SUMMARY
Final Report
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The Child and Family Services Review (CFSR) assesses State performance during a specified time period with respect to seven child welfare outcomes in the areas of safety, permanency, and well-being and with respect to seven systemic factors. The Montana CFSR was conducted the week of August 19, 2002. The Final Report is based on information from the following sources:

- The Statewide Assessment prepared by the State child welfare agency – the Child and Family Services Division (CFSD) of the Montana Department of Public Health and Human Services System;
- The State Data Profile prepared by the Children’s Bureau of the U.S. Department of Health and Human Services;
- Reviews of 49 cases from three counties in the State; and
- Interviews or focus groups (conducted at all three counties and the State capital) with a wide range of stakeholders including children, parents, foster parents, various levels of State and local CFSD personnel, collaborating agency personnel, school personnel, service providers, court personnel, legislators, and attorneys.

A key CFSR finding was that the State is effective in its efforts to address children’s educational needs (Well-Being Outcome 2). In 92 percent of the cases, reviewers determined that the educational needs of children were effectively and appropriately addressed. The CFSR case reviews also identified several other strengths for the State:

- Providing services to families to protect children in home and prevent removal (item 3),
- Placing children in close proximity to their birth parents (item 11),
- Ensuring that siblings in foster care are placed together (item 12),
- Preserving the primary connections of children in foster care (item 14).

In addition, the State data for 2000 met the national standards with respect to the incidence of maltreatment of children in foster care and length of time to achieve reunification and adoption.

Despite these strengths, Montana did not achieve substantial conformity with six of the seven safety, permanency, or well-being outcomes. A primary concern pertained to the State’s effectiveness in ensuring that children in foster care have permanency and stability in their living situations (Permanency Outcome 1). This outcome was achieved in 41.4 percent of cases. The State received a rating of Area Needing Improvement on all six of the items included in this outcome. In addition, the State data for 2000 did not meet the national standards with respect to foster care re-entries or stability of foster care placements. Additionally, the state did not achieve substantial conformity with the systemic factor for its case review system for children in foster care. A key set of issues involving the Courts related to the timely setting of permanency hearings and the quality of case reviews and permanency hearings is believed to influence the level of achieving substantial conformity for Permanency Outcome 1. Stakeholders interviewed as part of developing the

Statewide Assessment expressed the opinion that compliance with permanency hearings is inconsistent across the State and that not all judges and county attorneys have been “sold” on the purpose of the hearing.

The CFSR findings also indicated that CFSD is not consistent in its efforts to identify and address families' service needs (item 17), involve family members in case planning (item 18), or establish contact with children and parents with sufficient frequency (items 19 and 20) (well-being outcome 1). This outcome was achieved in 51 percent of cases. A key finding was that the majority of cases assigned a rating of Area Needing Improvement for caseworker visitation with children and parents and for family member involvement in case planning were foster care cases.

Another area of concern pertained to the State’s effectiveness in meeting the physical and mental health needs of children (well-being outcome 3). This outcome was achieved in 67.4 percent of cases. Although in many cases, extensive efforts were made to meet children’s physical and mental health needs, in other cases, there was a notable lack of effort, particularly with regard to mental health needs.

Additionally, case-related issues were revealed regarding safety for children served by the Montana Department of Public Health and Human Services. A key concern was the inconsistency in establishing face-to-face contact with children in a timely manner (item 1). Also, risk factors in some cases were not adequately identified and addressed with appropriate interventions in order to reduce risk of harm (item 4). Safety Outcome-S1 (children are, first and foremost, protected from abuse and neglect) was achieved in 77.1 percent of cases and Safety Outcome-S2 (children are safely maintained in their homes whenever possible and appropriate) was achieved in 76.1 of the cases. The performance on these two safety outcome areas, as well as, other safety-related factors noted in the systemic factors raise concerns about certain state policies and practices in relation to keeping children safe in their own homes and in substitute care arrangements, such as the requirement regarding workers making face-to-face contact with children in foster care only once a quarter. Also, in 24 percent of the cases reviewed for item 19, which focuses on worker visits with children, reviewers determined that the frequency and quality of caseworker visits with children was not sufficient to monitor children’s safety or to promote attainment of case goals.

With regard to the seven systemic factors, the CFSR determined that the State was in substantial conformity with factors related to the statewide information system; training; service array; agency responsiveness to the community; and foster and adoptive parent licensing, recruitment, and retention. However, the State was not in substantial conformity with factors pertaining to the case review system and quality assurance. The key concerns pertaining to the case review system were that CFSD was not consistent in its efforts to involve parents and children in case planning and there was a lack of consistency in administrative reviews and permanency hearings. The key concerns pertaining to the quality assurance system were that the State’s requirement regarding workers making face-to-face contact with children in foster care poses a safety issue for children and the fact that a comprehensive, statewide, quality assurance system does not exist according to the Statewide Assessment and stakeholder interviews.

The following is a summary of the CFSR findings regarding specific outcomes and systemic factors.

KEY FINDINGS RELATED TO OUTCOMES

I. SAFETY

Outcome S1: Children are, first and foremost, protected from abuse and neglect.

Status of Safety Outcome S1 – Not in Substantial Conformity

Montana did not achieve substantial conformity for Safety Outcome 1. This determination was based on the following findings:

- 77.1 percent of the cases reviewed were rated as having substantially achieved this outcome, which does not meet the 90 percent required for a rating of substantial conformity.
- The State did not meet the national standard for the percentage of children experiencing more than one substantiated or indicated child maltreatment report within a 6-month period.

The case review process did find that for almost all cases, there were multiple reports of child maltreatment both during the period under review and/or over the life of the case, although most of these reports were found to be "unsubstantiated". The large number of unsubstantiated reports found in the case reviews may be related to the CFSR finding that CFSD is inconsistent in initiating investigations of maltreatment reports in a timely manner and in establishing face-to-face contact with children who are the subjects of the reports in a timely manner.

Item 1. Timeliness of initiating investigations of reports of child maltreatment

Item 1 was assigned an overall rating of Area Needing Improvement. Reviewers found that the agency had initiated investigations of reports of child maltreatment in a timely manner in 63 percent of applicable cases. However, in 37 percent of applicable cases, responses to reports of child maltreatment did not occur in a timely manner. The cases included maltreatment reports that were "high risk" and reports that were not "high risk". A key concern was the inconsistency in establishing face-to-face contact with children in a timely manner.

Item 2. Repeat maltreatment

Item 2 was assigned an overall rating of Area Needing Improvement. Although in 98 percent of the cases, there was no recurrence of maltreatment, the State Data Profile indicates that the incidence of repeat maltreatment in fiscal year 2000 was 13.1 percent, which does not meet the national standard of 6.1 percent. Because these indicators are assessed through different measures, it is necessary for both measures to meet the established standards or criteria for a rating of Strength to be assigned to this item.

Outcome S2: Children are safely maintained in their homes whenever possible and appropriate.

Status of Safety Outcome S2 – Not in Substantial Conformity

Montana did not achieve substantial conformity with Safety Outcome 2. This determination was based on the finding that this outcome was substantially achieved in 76.1 percent of the cases reviewed, which is less than the 90 percent required for a rating of substantial conformity.

A general finding of the CFSR was that CFSD makes diligent efforts to maintain children safely in their homes whenever possible and appropriate. Reviewers also found that there was a range of services provided to families after reunification to support the reintegration of the family and prevent another removal from the home. However, reviewers determined that CFSD was less consistent in its efforts to ensure that the risk of harm to children was effectively reduced. For the in-home services cases, reviewers noted several cases in which CFSD had not targeted critical areas of need for the families or responded appropriately when parents refused to follow through with services. For the foster care cases, reviewers identified two cases in which the agency was not monitoring children's visitation with parents who were known substance abusers, although children were at risk during visitation.

Item 3. Services to family to protect child(ren) in home and prevent removal

Item 3 was assigned an overall rating of Strength because in 88 percent of the cases, reviewers determined that CFSD made diligent efforts to provide services to prevent children's placement in foster care. For most cases, the contracted providers were found to have frequent contact with families and to provide or link families to a wide range of services.

Item 4. Risk of harm to child

Item 4 was assigned an overall rating of Area Needing Improvement. In 80 percent of the applicable cases, reviewers determined that the agency had made sufficient efforts to reduce the risk of harm to children. However, in 20 percent of the applicable cases, reviewers determined that CFSD had not made sufficient efforts to reduce risk of harm to children. The key concerns identified in the case reviews pertained to situations where: parents did not follow through with services and the agency did not respond in a manner to ensure that the children would not remain at risk; services necessary to target the key problems contributing to risk of harm were not addressed; and risk of harm to children from parents during visitation was not being addressed by the agency.

II. PERMANENCY

Outcome P1: Children have permanency and stability in their living situations.

Status of Permanency Outcome 1 – Not in Substantial Conformity

Montana did not achieve substantial conformity with Permanency Outcome 1. This determination was based on the following findings:

- 41.4 percent of the cases were rated as having substantially achieved Permanency Outcome 1, which is less than the 90 percent required for an overall rating of substantial conformity;
- The State Data Profile indicated that for fiscal year 2000, the State's percent of re-entries into foster care within 12 months of discharge from a prior foster care episode (20.2%) did not meet the national standard of 8.6 percent; and
- The State Data Profile indicated that for fiscal year 2000, the State's percent of children who experienced two or fewer placements during their first 12 months in foster care (80.8%) did not meet the national standard of 86.7 percent.

The State Data Profile indicates that Montana had mixed performances during FY2000 in relation to efforts to provide stability and permanency for children in foster care. The state did not meet the national standard for foster care re-entries or placement stability. However, 87 percent of the children reunified in fiscal year 2000 were reunified within 12 months of entry into foster care, which meets the national standard of 76.2 percent. In addition, 42.2 percent of the children who exited foster care to a finalized adoption achieved the adoption within 24 months of entry into foster care, which also met the national standard of 32.0 percent.

The case review process supports the data provided in the State Data Profile with regard to foster care re-entries and placement stability. However, in contrast to the data provided in the State Data Profile on reunifications and adoptions, the case review process found that CFSD was not consistently effective in achieving permanency for children in a timely manner. Establishing appropriate permanency goals and achieving adoptions in a timely manner were the most critical problems identified, with reviewers rating "adoption" as an Area Needing Improvement in 64 percent of the applicable cases.

Item 5. Foster care re-entries

Item 5 was assigned an overall rating of Area Needing Improvement based on the following:

- The State's incidence of foster care re-entry (20.2 percent) reported in the State Data Profile does not meet the national standard of 8.6 percent.
- In 50 percent of the applicable cases, children re-entered foster care within 12 months of discharge from a prior foster care episode.

According to the Statewide Assessment and stakeholder interviews, CFSD believes that the rate of foster care re-entry is a data entry issue and not a practice issue. Since CAPS is a payment system, many workers believe that they have to close foster care when a child

leaves a foster family to enter respite care for the weekend, to go home for a trial visit, to enter a hospital, or because the child has run away. The worker then re-opens the case as a foster care case when the child returns to the foster family.

Item 6. Stability of foster care placement

Item 6 was rated as an Area Needing Improvement based on the following findings:

- In 21 percent of the applicable cases, reviewers determined that placement changes were not in the best interests of the child.
- The State Data Profile indicates that 80.8 percent of children in foster care in the State for 12 months or less during FY 2000 had no more than two placement settings, which does not meet the national standard of 86.7 percent.

Stakeholders commenting on this issue noted that placement stability is negatively impacted by the lack of placement options for many children in foster care, particularly children requiring therapeutic settings. Stakeholders also described the lack of placement options as responsible for the overuse of shelters and for children remaining in shelter care for long periods of time.

Item 7. Permanency goal for child

Item 7 was assigned an overall rating of Area Needing Improvement. In 72 percent of foster care cases, reviewers determined that CFSD had established appropriate permanency goals for children in a timely manner. However, concerns were identified regarding this issue in 28 percent of foster care cases. Key concerns pertained to (1) maintaining the goal of reunification for many years even when it does not appear to be a likely outcome, and (2) establishing long-term foster care as a goal without fully exploring other possible options.

Item 8. Reunification, Guardianship or Permanent Placement with Relatives

This item was assigned an overall rating of Area Needing Improvement. Although the State Data Profile indicates that for fiscal year 2000, the State met the national standard for reunifications within 12 months of entry into foster care, the case review process revealed that for 25 percent of the applicable cases, CFSD had not made diligent efforts to achieve the goal of reunification in a timely manner. Because the two indicators are assessed through different measures, it is necessary to meet the standard or criteria for both in order to receive a rating of Strength.

Item 9. Adoption

Item 9 was assigned an overall rating of Area Needing Improvement. Although the State Data Profile indicates that the percent of children exiting foster care to a finalized adoption within 24 months of entry into foster care (42.2%) meets the national standard of 32 percent, reviewers found that CFSD had not made diligent efforts to achieve adoptions in a timely manner in 64 percent of the applicable cases. Because the two indicators are assessed through different measures, it is necessary for both to meet criteria or standards in order for the item to be rated as a Strength. It should be noted that cases of finalized adoptions were not reviewed based on the child welfare agency's decision that a State law sealing adoption case records precluded these cases from being reviewed during the CFSR.

The Statewide Assessment notes that the State exceeded the national standard for adoptions within 24 months in 1998, 1999, and 2000. However, the Statewide Assessment also notes that there are few adoption resources available for older children or for children who are emotionally disturbed. In addition, there are very few support services in place for adoptive families.

Item 10. Permanency goal of other planned permanent living arrangement

Item 10 was assigned an overall rating of Area Needing Improvement. In 57 percent of the applicable cases, reviewers determined that the agency had made diligent efforts to assist children in attaining the goal of emancipation. However, in 43 percent of the applicable cases, reviewers determined that the agency had not made concerted efforts to support children in the goal of other planned permanent living arrangement leading to emancipation/independent living. Stakeholders commenting on this issue expressed the opinion that long-term foster care is too often established as a child's goal without fully exploring other permanency options. Stakeholders also noted that very few children who are in long-term foster care and who will eventually be emancipated are receiving sufficient service to prepare them for independent living.

Outcome P2: The continuity of family relationships and connections is preserved for children.

Status of Permanency Outcome 2 – Not in Substantial Conformity

Montana did not achieve substantial conformity with Permanency Outcome 2. This determination was based on the finding that the outcome was rated as substantially achieved in 75.9 percent of the 29 foster care cases, which is less than the 90 percent required for substantial conformity.

Although the State did not reach the 90 percent achievement required for substantial conformity, there were areas of strength with regard to this outcome. For example, almost all children in the foster care cases reviewed were placed with siblings when appropriate, and almost all children were placed in close proximity to their communities of origin when relevant. In addition, in the vast majority of cases, reviewers determined that CFSD had made diligent efforts to preserve children's connections to extended family and their heritage. However, reviewers also determined that CFSD was inconsistent in its efforts to search for relatives, particularly when initial relative placements disrupted. Reviewers also identified concerns regarding establishing regular ongoing patterns of visitation between parents and children and between siblings in foster care. In many cases, visitation seemed to be left up to foster parents or private providers to arrange, and CFSD workers only arranged visitation when the parent made a specific request. Reviewers also noted that when the siblings were separated, diligent efforts were not always made to ensure their ongoing contact and visitation.

Item 11. Proximity of foster care placement

Item 11 was assigned an overall rating of Strength because in 91 percent of applicable cases, reviewers determined that children were placed in close proximity to parents or relatives, or that the separation was necessary to meet the child's needs.

Item 12. Placement with siblings

Item 12 was assigned an overall rating of Strength based on the finding that in 87.5 percent of the cases, reviewers determined that siblings either were placed together or their separation was necessary to meet the needs of one or more of the siblings.

Item 13. Visiting with parents and siblings in foster care

Item 13 was assigned an overall rating of Area Needing Improvement. In 67 percent of the applicable cases, reviewers determined that CFSD had made concerted efforts to facilitate visitation. However, in 33 percent of the cases reviewers determined that CFSD had not made concerted efforts to facilitate visitation with parents and siblings. The primary concern identified was that visitation often is left up to foster parents or relative caregivers to arrange, and if they do not make the arrangements then no regular pattern is established.

Item 14. Preserving connections

Item 14 was assigned an overall rating of Strength because in 86 percent of the cases, reviewers determined that children's connections to family and their heritage had been in foster care. According to the Statewide Assessment, data indicate that CFSD has a high degree of compliance with ICWA placement requirements. Within the State, 20 percent of the licensed foster families are Native American and while it is acknowledged that more Native American foster families are needed, many Native American children are placed with Native American families. This was supported by case review findings that 8 of the 14 Native American children were placed with extended family or with Tribal families.

Item 15. Relative placement

Item 15 was assigned an overall rating of Area Needing Improvement. In 79 percent of applicable cases, reviewers determined that the agency had made diligent efforts to locate and assess relatives as potential placement resources. However, in 21 percent of the cases, reviewers determined that CFSD had not made diligent efforts to seek relatives as possible placement resources. The primary concern identified was that when a relative placement disrupts, the agency is not consistent in seeking other relatives as alternative placement options.

Item 16. Relationship of child in care with parents

Item 16 was assigned an overall rating of Area Needing Improvement. In 74 percent of applicable cases, reviewers determined that CFSD made efforts to support the parent-child relationship of children in foster care. However, concerns related to this issue were

identified in 26 percent of applicable cases. The primary concern identified was that the agency did not provide services to help strengthen the relationship between parents and children.

III. WELL-BEING

Outcome WB1: Families have enhanced capacity to provide for their children's needs.

Status of Well-Being Outcome 1 – Not in Substantial Conformity

Montana did not achieve substantial conformity with Well-Being Outcome 1. This determination was based on the finding that the outcome was rated as substantially achieved for 51 percent of the cases reviewed, which is less than the 90 percent required for a determination of substantial conformity.

A general finding of the CFSR was that CFSD was not consistent in its efforts to identify and address families' service needs, involve family members in case planning, and establish contact with children and parents with sufficient frequency. However, in most in-home services cases managed by contracted providers, concerted efforts were made to meet the family's service needs, involve the family in case planning, and establish frequent contact with children and parents. In fact, the majority of cases assigned a rating of Area Needing Improvement for visiting with children and parents and for involving family members in case planning were foster care cases. Both reviewers and stakeholders suggested that the use of Family Group Decision Making (FGDM) increases a family's involvement in the case planning process and enhances the assessment of a family's service needs.

Item 17. Needs and services of child, parents, foster parents

Item 17 was assigned an overall rating of Area Needing Improvement. In 55 percent of the cases, reviewers determined that the needs and services of children, parents, and/or foster parents had been, or were being, adequately addressed by CFSD. However, in 45 percent of the cases, reviewers determined that CFSD was not adequately addressing the needs and services of children and parents, although the agency was effective in meeting the needs of foster parents. A key finding was that in-home services cases that were managed by contracted providers tended to have more consistent assessment procedures and provided clearer documentation of the assessment process than other cases. Another key finding was that within CFSD, there was no uniform procedure for assessing a family's needs or documenting identified service needs.

Item 18. Child and family involvement in case planning

Item 18 was assigned an overall rating of Area Needing Improvement. In 60 percent of applicable cases, reviewers determined that CFSD appropriately involved parents or children in the case planning process. However, in 40 percent of the applicable cases, reviewers determined that parents and/or children had not been appropriately involved in the case planning process. Stakeholders

noted that when families participate in a FGDM meeting, all relevant family members tend to be involved in the case planning process. However, when a FGDM meeting is not held, the CFSD caseworker often does not have the time to support efforts to engage families in case planning because of workload demands.

Item 19. Worker visits with child

Item 19 was assigned an overall rating of Area Needing Improvement. In 76 percent of the cases, reviewers determined that the frequency of caseworker visits with children was sufficient to ensure adequate monitoring of children's safety or to otherwise meet their needs. However, in 24 percent of the cases, reviewers determined that the frequency and quality of caseworker visits with children was not sufficient to monitor children's safety or to promote attainment of case goals. Reviewers and stakeholders noted that the State policy governing the frequency of contacts with children in foster care requires a minimum of face-to-face contact once every three months, which may not be sufficient to monitor children's safety and ensure their well being.

Item 20. Worker visits with parents

This item was assigned an overall rating of Area Needing Improvement. In 81 percent of the cases, reviewers determined that visits with parents were sufficiently frequent or of adequate quality to promote the safety and well-being of the child and enhance attainment of case goals. However, in 19 percent of cases, reviewers determined that visits were not of sufficient frequency or adequate quality. The Statewide Assessment notes that there are no uniform policies governing the frequency of visits between caseworkers and parents. Instead, this is determined on a case-by-case basis and included in the case plan. According to the Statewide Assessment, many contacts are made by telephone, rather than face to face, due to social workers' workloads and to the rural nature of Montana.

Outcome WB2: Children receive appropriate services to meet their educational needs.

Status of Well-Being Outcome WB2 – Substantial Conformity

Montana achieved substantial conformity with Well-Being Outcome 2 based on the finding that 91.7 percent of the cases reviewed were found to have substantially achieved this outcome, which exceeds the 90 percent required for substantial conformity.

The CFSR case review finding was that CFSD was generally effective in meeting the educational needs of the majority of the children in the cases reviewed.

Item 21. Educational needs of the child.

Item 21 was assigned an overall rating of Strength because in 92 percent of the cases, reviewers determined that the educational needs of children were effectively and appropriately addressed. Stakeholders commenting on this issue expressed the opinion that CFSD workers and foster parents do a good job advocating for children's educational needs and that both attend Individual Educational Plan meetings.

Outcome WB3: Children receive adequate services to meet their physical and mental health needs.

Status of Well-Being Outcome 3 - Not in Substantial Conformity

Montana did not achieve substantial conformity with Well-Being Outcome 3. This determination was based on the finding that the outcome was rated as substantially achieved in 67.4 percent of the applicable cases, which is less than the 90 percent required for a determination of substantial conformity.

The CFSR found inconsistencies with regard to CFSD's efforts to meet the physical and mental health needs of children. Although in many cases, extensive efforts were made to meet children's physical and mental health needs, in other cases, there was a notable lack of effort, particularly with regard to mental health needs.

Item 22. Physical health of the child

Item 22 was assigned an overall rating of Area Needing Improvement. In 83 percent of the applicable cases, reviewers determined that CFSD was adequately addressing the health needs of children in foster care and in-home services cases. However, in 17 percent of applicable cases, reviewers determined that CFSD did not adequately address children's physical health needs.

Item 23. Mental health of the child

Item 23 was assigned an overall rating of Area Needing Improvement. In 68 percent of the applicable cases, reviewers determined that CFSD adequately addressed children's mental health needs. However, in 32 percent of the applicable cases, reviewers determined that mental health needs were not being addressed. Reviewers noted inconsistent practice, with some children getting thorough mental health assessments and some not receiving any mental health assessment. According to the Statewide Assessment, the adequacy of services that the child receives is dependent on the strength of the mental health system in that community. The challenge for social workers is to locate therapists in the proximity of the child's placement who accept Montana Medicaid and can provide the services required to meet the child's needs.

KEY FINDINGS RELATING TO SYSTEMIC FACTORS

IV. STATEWIDE INFORMATION SYSTEM

Status of Statewide Information System – Substantial Conformity

Montana is in substantial conformity with this factor.

Item 24. The State is operating a Statewide information system that, at a minimum, can readily identify the status, demographic characteristics, location, and goals for the placement of every child who is (or within the immediately preceding 12 months, has been) in foster care.

Item 24 was rated as a Strength because the State has the automated capacity to track the required information on children in foster care, such as their status, demographic characteristics, location, and goals.

V. CASE REVIEW SYSTEM

Status of Case Review System – Not in Substantial Conformity

Montana is not in substantial conformity with the systemic factor of Case Review System.

Item 25. Provides a process that ensures that each child has a written case plan to be developed jointly with the child's parent(s) that includes the required provisions.

Item 25 was rated as an Area Needing Improvement because stakeholder comments regarding inconsistencies with respect to family involvement in case planning are supported by the case review findings. Of the 27 foster care cases applicable for an assessment of family involvement in case planning, 13 cases were rated as a Strength and 14 were rated as an Area Needing Improvement.

Item 26. Provides a process for the periodic review of the status of each child, no less frequently than once every 6 months, either by a court or by administrative review.

Item 26 was rated as an Area Needing Improvement because the findings of the review indicate that at times periodic reviews are perfunctory in nature and are not consistently occurring for all youth in long-term foster care.

Item 27. Provides a process that ensures that each child in foster care under the supervision of the State has a permanency hearing in a qualified court or administrative body no later than 12 months from the date the child entered foster care and no less frequently than every 12 months thereafter.

Item 27 was rated as an Area Needing Improvement because stakeholders indicated that court adherence to timely permanency hearings is inconsistent throughout the State.

Item 28. Provides a process for termination of parental rights proceedings in accordance with the provisions of the Adoption and Safe Families Act.

Item 28 was rated as a Strength because the State has a process for termination of parental rights proceedings that is in accordance with the provisions of ASFA.

Item 29. Provides a process for foster parents, pre-adoptive parents, and relative caregivers of children in foster care to be notified of, and have an opportunity to be heard in, any review or hearing held with respect to the child.

Item 29 is rated as a Strength because the State has a requirement in statute and a process in place to ensure that foster parents, pre-adoptive parents, and relative caregivers of children in foster care are notified of and have an opportunity to be heard in any review or hearing held with respect to the child.

VI. QUALITY ASSURANCE SYSTEM

Status of Quality Assurance System-Not in Substantial Conformity

Montana is not in substantial conformity with the factor of Quality Assurance System. Findings relevant to the specific items assessed for this factor are presented below.

Item 30. The State has developed and implemented standards to ensure that children in foster care are provided quality services that protect the safety and health of the children.

Item 30 was rated as an Area Needing Improvement because while CFSD has standards for providing services to children in foster care in State statute and in division policy, stakeholders commenting on this issue identified a concern that the requirement regarding workers making face-to-face contact with children in foster care only once a quarter poses a safety issue for children. Another concern identified involves the practice of children being placed in foster homes beyond their licensing capacity in some parts of the state due to lack of foster homes.

Item 31. The State is operating an identifiable quality assurance system that is in place in the jurisdictions where the services included in the CFSP are provided, evaluates the quality of services, identifies strengths and needs of the service delivery system, provides relevant reports, and evaluates program improvement measures implemented.

Item 31 was assigned a rating of Area Needing Improvement because both the Statewide Assessment and stakeholders noted that a comprehensive, statewide quality assurance system is lacking. As noted in the Statewide Assessment, CFSD acknowledges the need for a formal quality assurance program.

VII. TRAINING

Status of Training-Substantial Conformity

Montana is in substantial conformity with the systemic factor of Training. Findings relevant to the specific items assessed for this factor are presented below.

Item 32. The State is operating a staff development and training program that supports the goals and objectives in the CFSP, addresses services provided under titles IV-B and IV-E, and provides initial training for all staff who deliver these services.

Item 32 was rated as a Strength because the State provides a comprehensive initial training program for all staff. Training includes a New Worker Orientation Packet that is provided to all child protection social worker supervisors, Montana Child Abuse and Neglect (MCAN) training for all CFSD staff who work with children and families, Child Adult Protection System (CAPS) training that is required for all Division employees, and Policy Training that is required for all CPS-related staff in CFSD. Stakeholders commenting on this issue were in general agreement that the initial training offered to caseworkers and supervisors was adequate and prepared them for their jobs.

Item 33. The State provides for ongoing training for staff that addresses the skills and knowledge base needed to carry out their duties with regard to the services included in the CFSP.

Item 33 was rated as a Strength because a variety of ongoing training opportunities are made available to staff. According to the Statewide Assessment, there are several ongoing training opportunities and venues, although CFSD does not mandate participation in ongoing training.

Item 34. The State provides training for current or prospective foster parents, adoptive parents, and staff of State licensed or approved facilities that care for children receiving foster care or adoption assistance under title IV-E that addresses the skills and knowledge base needed to carry out their duties with regard to foster and adopted children.

Item 34 is rated as a Strength because the State provides training for current and prospective foster parents, adoptive parents, and staff of State licensed or approved facilities that care for children receiving foster care or adoption assistance under title IV-E. The training addresses the skills and the knowledge base needed to carry out their duties with regard to foster and adopted children. A new curriculum, “Keeping Children Safe,” was developed and has been used since August 2000. All foster and adoptive parents now participate in this training prior to licensure or approval.

VIII. SERVICE ARRAY

Status of Service Array-Substantial Conformity

Montana is in substantial conformity with the systemic factor of service array. Findings relevant to the specific items assessed for this factor are presented below.

Item 35. The State has in place an array of services that assess the strengths and needs of children and families and determine other service needs, address the needs of families in addition to individual children in order to create a safe home environment, enable children to remain safely with their parents when reasonable, and help children in foster and adoptive placements achieve permanency.

Item 35 is rated as a Strength because there is a broad array of services available to families and children in the State in order to create a safe home environment, enable children to remain safely with their parents when reasonable, and help children in foster and adoptive placements achieve permanency. Stakeholders commenting on this issue were in general agreement that there is a broad array of services available to the families in all three of the counties included in the on-site review and throughout most areas of the State. However, the Statewide Assessment and stakeholders identified a number of significant service gaps, including dental services (dental providers who will accept Medicaid), mental health services (including treatment for sexual offenders, seriously emotionally disturbed children, and dually diagnosed children), and appropriate out-of-home placements.

Item 36. The services in item 35 are accessible to families and children in all political jurisdictions covered in the State's CFSP.

Item 36 is rated as an Area Needing Improvement because barriers to service delivery remain despite State efforts to address them, particularly with regard to therapeutic foster care.

Item 37. The services in item 35 can be individualized to meet the unique needs of children and families served by the agency.

Item 37 was assigned a rating of Strength because stakeholders noted that providers can offer flexible and individualized services. Stakeholders commenting on this issue noted that both Family Support Network and Mountain Peaks provide extremely flexible, individualized services, and tailor programs to meet individual needs. The key concerns identified were (1) services provided by multiple providers often are not effectively coordinated, and (2) Medicaid limitations on the duration of some services impacts the ability to individualize services to meet family needs.

IX. AGENCY RESPONSIVENESS TO THE COMMUNITY

Status of Agency Responsiveness To The Community- Substantial Conformity

Montana is in substantial conformity with the systemic factor of Agency Responsiveness to the Community. Findings relevant to the specific items assessed for this outcome are presented below.

Item 38. In implementing the provisions of the CFSP, the State engages in ongoing consultation with tribal representatives, consumers, service providers, foster care providers, the juvenile court, and other public and private child- and family-serving agencies and includes the major concerns of these representatives in the goals and objectives of the CFSP.

Item 38 was assigned a rating of Strength because the agency engages in consultation with the State Advisory Council, Local Service Advisory Councils, the Juvenile Justice Council, the Native American Advisory Council, other stakeholders, and internal staff in Division planning efforts. Stakeholders at local levels commenting on this issue noted that there are concerted efforts on the part of local agencies to reach out and engage the community, and that collaboration between the child welfare agency and local service providers is excellent.

Item 39. The agency develops, in consultation with these representatives, annual reports of progress and services delivered.

Item 39 is rated as a Strength because the State utilizes external input in the development of reports pursuant to the CFSP.

Item 40. The State's services under the CFSP are coordinated with services or benefits of other Federal or federally assisted programs serving the same population.

Item 40 is rated as a Strength because CFSD coordinates with other federally-assisted agencies and organizations. According to the Statewide Assessment, CFSD currently coordinates services at the State level by working with other divisions within the Department and with other departments on an on-going basis. At the State level, CFSD staff members participate in provider meetings, serve on advisory councils, and meet with other providers of children's services regularly. Most of the coordination of services for children occurs at the local level. At the local level, the social workers meet regularly with child protection teams, which include representatives from schools, courts, public health, mental health and/or juvenile probation, as is appropriate for the specific case.

X. FOSTER AND ADOPTIVE PARENT LICENSING, RECRUITMENT, AND RETENTION

Status of Foster and Adoptive Parent Licensing, Recruitment, and Retention- Substantial Conformity

Montana is in substantial conformity with the systemic factor of Foster and Adoptive Parent Licensing, Recruitment, and Retention. Findings relevant to the specific items assessed for this outcome are presented below.

Item 41. The State has implemented standards for foster family homes and childcare institutions, which are reasonably in accord with recommended national standards.

Item 41 was assigned a rating of Strength because CFSD has implemented the necessary standards for foster family homes and child care institutions. According to the Statewide Assessment, Montana has effectively established and maintained standards for foster homes, adoptive homes and child care institutions in State statute, (Montana Code Annotated), rules (Administrative Rules of Montana) and policy. Stakeholders commenting on this issue were in agreement that there are established standards for foster family homes and child care institutions that cover health, safety, sanitation, and other basic requirements.

Item 42. The standards are applied to all licensed or approved foster family homes or child care institutions receiving title IV-E or IV-B funds.

Item 42 was assigned a rating of Strength because statewide licensing or approval standards for foster and adoptive homes are found in statute, administrative rule, and policy and are applied to all licensed or approved foster family homes.

Item 43. The State complies with Federal requirements for criminal background clearances as related to licensing or approving foster care and adoptive placements and has in place a case planning process that includes provisions for addressing the safety of foster care and adoptive placements for children.

Item 43 was rated as a Strength because all licensed providers are subject to criminal background checks and child protective services (CPS) background checks. As of April 1, 2002, the criminal background check includes finger printing.

Item 44. The State has in place a process for ensuring the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.

Item 44 was assigned a rating of Strength because the State makes efforts to recruit foster and adoptive homes reflecting the ethnic and racial diversity of the children in the State. However, as noted in the Statewide Assessment, both external stakeholders and CFSD staff identify the need for more Native American adoptive homes, or at least for adoptive families to be trained in Native American culture. Some stakeholders commenting on this issue noted that insufficient numbers of homes that match the backgrounds of some children results in some foster homes having placements beyond their licensing capacity due to a lack of foster homes.

Item 45. The State has in place a process for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.

Item 45 was assigned a rating of Strength because as noted in the Statewide Assessment, the State has in place a process for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children. Montana has used contracted services with both in-State and out-of-State private agencies and social workers as well as the cooperative interstate services of other States to expedite the finalization of adoptions.

Introduction

This document presents the findings of the Child and Family Services Review (CFSR) for the State of Montana. The on-site review was conducted during the week of August 19, 2002. The findings were derived from the following documents and data collection procedures:

- The Statewide Assessment prepared by the State child welfare agency – the Child and Family Services Division (CFSD) of the Montana Department of Public Health and Human Services System;
- The State Data Profile, prepared by the Children’s Bureau of the U.S. Department of Health and Human Services providing State data for the year 2000;
- Reviews of 49 case records at three sites throughout the State; and
- Interviews or focus groups (conducted at all three sites) with State and local stakeholders including children, parents, foster parents, all levels of child welfare agency personnel, collaborating agency personnel, school personnel, service providers, court personnel, legislators, and attorneys.

The key characteristics of the 49 cases reviewed are the following:

- 24 cases were reviewed in Yellowstone County (Billings), 13 in Cascade County, and 12 in Lewis and Clark County.
- All 49 cases had been open cases at some time during the period under review.
- 29 cases were “foster care cases” (cases in which children were in the care and custody of the State child welfare agency and in an out-of-home placement at some time during the period under review), and 20 were “in-home services cases” (cases in which families received services from the child welfare agency while children remained in their homes).
- Of the 49 cases reviewed, the **primary** reasons for opening the child welfare agency cases were the following:
 - Neglect (not including medical neglect) - 20 cases (41%)
 - Substance abuse by parent - 8 cases (16%)
 - Sexual abuse - 4 cases (8%)
 - Medical neglect - 3 cases (6%)
 - Child's behavior - 3 cases (6%)
 - Physical abuse - 2 cases (4%)
 - Emotional maltreatment - 1 case (2%)
 - Domestic violence in child's home - 1 case (2%)
 - Mental/physical health of parent - 1 case (2%)
 - Other - 6 cases (12%)

- Among **all** reasons identified for children coming to the attention of the child welfare agency, neglect (not including medical neglect) was cited in 27 cases, substance abuse by parents was cited in 18 cases, physical abuse was cited in 9 cases, child's behavior was cited in 8 cases, and domestic violence in the home was cited in 8 cases.
- For 20 of the 29 foster care cases, the children entered foster care prior to the period under review and remained in foster care during the entire period under review. For 8 of the 20 in-home services cases, the case had been opened prior to the period under review.

The first section of the report presents the CFSR findings relevant to the State's performance in achieving specific outcomes for children in the areas of safety, permanency, and well-being. For each outcome, there is a table presenting key findings, a discussion of the State's status with regard to the outcome, and a presentation and discussion of each item (indicator) assessed. The second section of the report provides an assessment and discussion of the systemic factors relevant to the child welfare agency's ability to achieve positive outcomes for children.

SECTION 1: OUTCOMES

I. SAFETY

Safety Outcome 1

Outcome S1: Children are, first and foremost, protected from abuse and neglect.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Cascade	Lewis and Clark	Yellowstone	Total Number	Total Percentage
Substantially Achieved:	8	9	20	37	77.1
Partially Achieved:	4	3	3	10	20.8
Not Achieved or Addressed:	1	0	0	1	2.1
Not Applicable:	0	0	0	1	
Conformity of Statewide data indicators with national standards:					
	National Standard (percentage)	State's Percentage	Meets Standard	Does Not Meet Standard	
Repeat maltreatment	6.1	13.1		X	
Maltreatment of children in foster care	.57	.19	X		

STATUS OF SAFETY OUTCOME 1

Montana did not achieve substantial conformity for Safety Outcome 1. This determination was based on the following findings:

- 77.1 percent of the cases reviewed were rated as having substantially achieved this outcome, which is less than the 90 percent required for a rating of substantial conformity.
- The State did not meet the national standard for the percentage of children experiencing more than one substantiated or indicated child maltreatment report within a 6-month period (repeat maltreatment).

According to the State Data Profile, only .19 percent of children in foster care in Montana during the data reporting period experienced maltreatment from foster parents or facility staff, which meets the national standard (.57%) for this measure. However,

the State Data Profile also indicated that 13.1 percent of the children who were the victims of maltreatment during the data reporting period experienced maltreatment again within 6-months, which does not meet the national standard (6.1%) for this measure. Despite the finding that the State did not meet the standard for maltreatment recurrence, repeat maltreatment was found in only one of the cases reviewed during the on-site review.

The case review process did find that for almost all cases, there were multiple reports of child maltreatment both during the period under review and/or over the life of the case. Although most of these reports were found to be "unsubstantiated," in Montana, a finding of "unsubstantiated" does not mean that the report was unfounded but that "there was insufficient evidence to demonstrate that it was more probable than not that the alleged abuse/neglect actually occurred." The numerous unsubstantiated reports found through the case review process corresponds to information in the Statewide Assessment indicating that Montana's substantiation rate of 15.1 percent in 2001 was considerably lower than the national average of 29.9 percent.

The large number of unsubstantiated reports found in the case reviews may be related to the CFSR finding that CFSD is inconsistent in initiating investigations of maltreatment reports in a timely manner and in establishing face-to-face contact with children who are the subjects of the reports in a timely manner. For example, delays in initiating investigations and lack of face-to-face contact with children may be a barrier to obtaining the evidence necessary to support a finding of substantiation.

The findings pertaining to the specific items assessed under Safety Outcome 1 are presented below.

Item 1: Timeliness of initiating investigations of reports of child maltreatment

☐ Strength ☒ Area Needing Improvement

Review Findings: The assessment of item 1 was applicable for 27 of the 49 cases. Twenty-two cases were not applicable because they did not involve reports of child maltreatment during the period under review. In assessing item 1, reviewers were to determine whether the response to a maltreatment report occurring during the period under review had been initiated in accordance with applicable child welfare agency policy. According to agency policy, since January 1, 2002, emergency reports designated as priority 1 must be responded to within 24 hours and all other reports must be responded to "promptly". Also according to agency policy, since October 1, 2001, face-to-face contact is required with the child who is the subject of the report of child abuse and/or neglect prior to the investigation being completed. For the purpose of conducting the CFSR, and due to the lack of specific agency policy for referrals other than priority 1 reports, CFSR reviewers were instructed to use a 14-day timeframe to rate this item. An investigation (other than a priority 1 report received after January 1, 2002) should be initiated within 14 days of the maltreatment report. Reviewers were also instructed to determine whether or not face-to-face contact was made within the 14-day timeframe (or within 24 hours for priority 1 reports investigated after January 1, 2002). The 14-day timeframe was designated based on the fact that 14 days is the longest

timeframe that has been utilized during a CFSR for this item, and because the 1999 Child Maltreatment report shows that a majority of States have a policy requiring response within 5 days or less. The results of the assessment were the following:

- Item 1 was rated as a Strength in 17 (63%) of the 27 applicable cases (5 of which were foster care cases).
- Item 1 was rated as an Area Needing Improvement in 10 (37%) of the 27 applicable cases (5 of which were foster care cases).

This item was rated as a Strength in all cases in which the initiation of an investigation of a child maltreatment report occurring during the period under review and the establishment of face-to-face contact were in accordance with CFSR-instituted guidelines. The 10 cases rated as an Area Needing Improvement were the following:

- Two cases involved reports that were considered "high risk" (e.g., requiring a response within 24 hours). In both of these cases the agency response was not initiated for several days.
- In three cases, CFSD initiated a response to the report during the appropriate timeframe, but the worker never made face-to-face contact with the child.
- In two cases, the maltreatment reports were not "high risk," but there was no evidence that they were ever investigated.
- In three cases, the maltreatment reports were not "high risk," but the investigation was not initiated within the 14-day timeframe. For these reports, 17 to 70 days elapsed before the investigations were initiated.

Most stakeholders commenting on this issue expressed the opinion that "high risk" reports are investigated quickly, particularly if law enforcement is involved, but that response time to non-emergency reports often is problematic. Stakeholders also noted that CFSD workers do not always establish timely face-to-face contact with children who are the subjects of maltreatment reports and that sometimes investigations are conducted through telephone contacts only. Stakeholders suggested that CFSD workers have difficulty initiating responses to maltreatment reports in a timely manner because of the large volume of cases that they are assigned.

Determination and Discussion: Item 1 was assigned an overall rating of Area Needing Improvement based on the finding that in 37 percent of the applicable cases, reviewers determined that CFSD did not initiate an investigation of maltreatment reports in a timely manner. The cases included both "high risk" and non "high risk" maltreatment reports, and a key concern identified pertaining to an inconsistency in establishing face-to-face contact with children in a timely manner. The Statewide Assessment does not address this issue, but noted that effective January 1, 2002, all reports are called toll-free to a centralized intake (CI) unit located in Helena. Child and Family Services (CFS) and Child Protective Services (CPS) reports are then transferred to the field via the CAPS system (the State's automated information system). Reports requiring immediate response are telephoned to a worker in the field. The CI unit is open 24 hours a day, 7 days a week.

Item 2. Repeat maltreatment

_____ Strength __X__ Area Needing Improvement

Review Findings: The assessment of item 2 was applicable for 46 of the 49 cases. Cases were considered not applicable for assessment if the child or family had never had a substantiated or indicated maltreatment report. In assessing this item, reviewers were to determine whether there had been at least one substantiated or indicated maltreatment report during the period under review, and if so, whether another substantiated or indicated report occurred within 6 months of that report. The results of the assessment were the following:

- Item 2 was rated as a Strength in 45 (98%) of the 46 applicable cases.
- Item 2 was rated as an Area Needing Improvement in 1 (2%) of the 46 applicable cases (which was a foster care case).

Although item 2 was rated as a Strength in 45 of the 46 applicable cases, many of these were either foster care cases in which the child entered foster care prior to the period under review (20 cases), or in-home cases for which there were no substantiated or indicated child maltreatment reports during the period under review (16 cases). There were only nine cases in which there was at least one substantiated or indicated maltreatment report during the period under review.

Although the incidence of recurrence of a substantiated or indicated maltreatment report within a 6-month period was low, reviewers expressed concern over the number of maltreatment reports both during the period under review and over the life of the case. There were 12 cases involving multiple maltreatment reports (ranging from 2 to 9) during the period under review, and 46 cases with multiple maltreatment reports during the life of the case. Although almost all of the reports were found to be "unsubstantiated," 29 cases had between 2 and 9 maltreatment reports over the life of the case; 13 cases had between 10 and 20 reports over the life of the case; and 4 cases had more than 20 maltreatment reports. In Montana, a finding of "unsubstantiated" means that the worker is unable to demonstrate by a preponderance of evidence as to whether any abuse or neglect occurred. This is differentiated from a finding of "unfounded," which is used when there is no reason to suspect that abuse/neglect occurred.

Stakeholders commenting on this issue suggested that when maltreatment recurs, it may be due to families not making the necessary behavioral changes to sufficiently reduce risk of harm to the child. Because they appear to "go through the motions" of compliance with agency requirements, the courts may be sending children home before the family has made the necessary changes.

Determination and Discussion: Item 2 was assigned an overall rating of Area Needing Improvement. Although in 98 percent of the cases, there was no recurrence of maltreatment, the State Data Profile indicates that the incidence of repeat maltreatment in fiscal year 2000 was 13.1 percent, which does not meet the national standard of 6.1 percent. Because these indicators are assessed through

different measures, it is necessary for both measures to meet the established standards or criteria for a rating of Strength to be assigned to this item.

According to the Statewide Assessment, the rate of maltreatment recurrence exhibited in the State Data Profile may be the result of multiple duplicate reports on the same incident. In an initial review of this issue, the State found that 39 percent of the 272 children identified in an online query as having a recurrence of maltreatment in 6 months had more than one report dated within a 1-week time period. At present, the State's information system (CAPS) has no systematic means of identifying duplicate reports on the same incident. The Statewide Assessment notes that the State plans to compare previous data on this measure with current data to determine if the rate of maltreatment recurrence has changed since the onset of centralized intake. In addition, the State will conduct training for field supervisors to improve procedures for handling duplicate reports that are not identified by centralized intake.

Safety Outcome 2

Safety Outcome S2: Children are safely maintained in their homes whenever possible and appropriate.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Cascade	Lewis & Clark	Yellowstone	Total Number	Total Percentage
Substantially Achieved:	7	9	19	35	76.1
Partially Achieved:	3	3	2	8	17.4
Not Achieved or Addressed:	2	0	1	3	6.5
Not Applicable:	1	0	2	3	

STATUS OF SAFETY OUTCOME 2

Montana did not achieve substantial conformity with Safety Outcome 2. This determination was based on the finding that the outcome was substantially achieved in 76.1 percent of the cases reviewed, which is less than the 90 percent required for a rating of substantial conformity.

A general finding of the CFSR was that CFSD makes diligent efforts to maintain children safely in their homes whenever possible and appropriate. In the majority of in-home services cases reviewed, families were served by a private provider agency under contract to CFSD. Case managers from these agencies have primary responsibility for the cases and routinely submit reports to the CFSD caseworker/monitor on case progress. Reviewers determined that these case managers were effective in providing intensive home-based services to families, linking families to other needed services in the community, and monitoring service provision and family progress. In some interviews conducted by case reviewers, parents and providers praised the efforts of the case managers and noted

that the children would not have been able to remain in the home if the case managers had not provided such intensive service delivery. Reviewers also found that there was a range of services provided to families after reunification to support the reintegration of the family and prevent another removal from the home.

Reviewers determined that CFSD was less consistent in its efforts to ensure that the risk of harm to children was effectively reduced. For the in-home services cases, reviewers noted several cases in which CFSD had not targeted critical areas of need for the families or responded appropriately when parents refused to follow through with services. For the foster care cases, reviewers identified two cases in which the agency was not monitoring children's visitation with parents who were known substance abusers, although children were at risk during visitation.

In discussing the issue of risk of harm, both reviewers and stakeholders expressed concern about the extensive number of maltreatment reports both during the period under review and throughout the life of the cases for the vast majority of cases reviewed. Although these reports usually were noted to be "unsubstantiated," their frequency raised questions regarding whether CFSD is adequately addressing the risk of harm to children.

Findings pertaining to the specific items assessed under Safety Outcome 2 are presented and discussed below.

Item 3. Services to family to protect child(ren) in home and prevent removal

 X Strength Area Needing Improvement

Review Findings: There were 26 cases for which an assessment of item 3 was applicable. Twenty-three cases were excluded from this assessment because there were no substantiated/indicated maltreatment reports or identified risks of harm to children in the home during the period under review (1 case), or because the target child entered foster care prior to the PUR and there were no other children in the home who were at risk of maltreatment (22 cases). For this item, reviewers were to assess whether, in responding to a substantiated or indicated maltreatment report or risk of harm, the agency made diligent efforts to provide services to families to prevent removal of children from their homes while at the same time ensuring their safety. The results of this assessment were the following:

- Item 3 was rated as a Strength in 23 (88%) of the 26 applicable cases (5 of which were foster care cases).
- Item 3 was rated as an Area Needing Improvement in 3 (12%) of the 26 applicable cases (2 of which were foster care cases).

This item was rated as a Strength when reviewers determined that CFSD assessed the family's service needs appropriately and provided or referred the family for services to meet those needs to prevent removal or to prevent re-entry into foster care after

reunification. One case was rated as a Strength when reviewers determined that CFSD appropriately removed the child from the home without providing services.

Reviewers also noted that CFSD has access to a wide range of intensive home-based services through contracts with in-home service provider agencies whose staff serve as the primary case managers for the family and report to the CFSD caseworker on activities and progress. For most of the cases rated as a Strength for this item, the contracted providers were found to have frequent contact with families and to provide or link families to a wide range of services including parenting education and support, mental health counseling, anger management classes, GED training, job training, legal services, day care, Head Start, substance abuse evaluations and treatment, monitoring of "no-contact" orders, treatment for lice, health follow up and support, housing assistance, energy assistance, and transportation.

In one case rated as an Area Needing Improvement for this item, reviewers determined that no services were provided to the family to prevent the initial removal, and when the children were returned home, no services were provided to prevent re-removal. In the other two cases for which this item was rated as an Area Needing Improvement, it was determined that the services provided were not appropriate to meet the needs of the children and parents and were not sufficient to prevent removal.

Stakeholders commenting on this issue noted that in most areas of the State there is a wide array of family preservation services to prevent children's removal from home and to support families after children are returned home from foster care. However, these stakeholders also noted concerns that changes in the level of State funding will decrease the availability of effective placement prevention services.

Determination and Discussion: This item was assigned an overall rating of Strength because in 88 percent of the cases, reviewers determined that CFSD made diligent efforts to provide services to prevent children's placement in foster care. According to the Statewide Assessment, CFSD policy requires providing protective services to the child in his/her own home when able to do so without risking serious injury to the child. Although these services are contracted in most regions of the State, CFSD social workers also provide these services.

Item 4. Risk of harm to child

☐ Strength ☒ Area Needing Improvement

Review Findings: An assessment of item 4 was applicable for 46 of 49 cases reviewed. Cases were not applicable for assessment if there was no current or prior risk of harm to the children in the family. The assessment of item 4 required reviewers to determine

whether the agency had made, or was making, diligent efforts to reduce the risk of harm to the children involved in each case. The assessment resulted in the following findings:

- Item 4 was rated as a Strength in 37 (80%) of the 46 applicable cases (24 of which were foster care cases).
- Item 4 was rated as an Area Needing Improvement in 9 (20%) of the 46 applicable cases (3 which were foster care cases).

This item was rated as a Strength when reviewers identified the following:

- The risk of harm to children was appropriately addressed by removing the children from their homes and providing services to parents to address risk issues (9 cases).
- The risk of harm to children was appropriately addressed by removing the children from their homes and seeking TPR prior to or during the period under review (15 cases).
- The risk of harm to children was appropriately managed by providing services to families to address risk concerns while the children remained in the home or after children were reunified with their families and monitoring family service participation and progress (13 cases).

Reviewers noted that the agency was particularly effective in managing the risk of harm when the family participated in a family group decision making (FGDM) and follow up activities.

This item was rated as an Area Needing Improvement when reviewers determined the following:

- The parents did not follow through with services and the agency did not respond in a manner to ensure that the children would not remain at risk (3 cases).
- Services necessary to target the key problems contributing to risk of harm were not addressed (4 cases).
- Risk of harm to children from parents during visitation was not being addressed by the agency (2 cases).

Reviewers expressed additional concerns regarding CFSD's efforts to reduce risk of harm to children. One concern pertained to the fact that some of the foster care cases involved voluntary placement agreements so that the parents could request that their children be returned at any time, even if the risks of harm had not been adequately reduced. Another concern was the lack of documentation of a risk assessment in many of the case files, raising questions as to whether risk had been appropriately assessed. The third concern pertained to the large number of unsubstantiated reports and whether risk of harm was being adequately addressed in those cases. In several cases, multiple unsubstantiated maltreatment reports occurred after the case had been closed. At one site, there were examples of new reports on open cases that were not substantiated due to concern about the possible impact that a substantiated report would have on the relationship between the family and the agency. Also, at this same site there were concerns about instances in which additional report information provided to the agency on open cases was not treated as a new report despite indications of continuing and/or escalating risk to the children.

Several stakeholders commenting on this issue voiced concerns about the inconsistency of the risk assessment process. They noted that although the agency does have a risk assessment tool that workers can use, its use is not mandated. However, stakeholders also noted that the State has been using FGDM meetings with families on a voluntary basis, and that when this practice is used the risk of harm to children appears to be more effectively managed.

Determination and Discussion: This item was assigned an overall rating of Area Needing Improvement because in 20 percent of the applicable cases, reviewers determined that CFSD had not made sufficient efforts to reduce risk of harm to children. According to the Statewide Assessment, risk assessment tools are available for use by social workers but are not mandated. The Statewide Assessment also notes that Montana’s rate of substantiation (15.1% in calendar year 2000) is well below the national percentage (about 30%). This was attributed to the fact that the standard for substantiation changed from “reasonable cause to suspect” to “a preponderance of evidence.” This means that under the new standard, the worker must produce evidence/facts to demonstrate that it is more probable than not that the alleged abuse/neglect actually occurred.

II. PERMANENCY

Permanency Outcome 1

Outcome P1: Children have permanency and stability in their living situations.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Cascade	Lewis & Clark	Yellowstone	Total Number	Total Percentage
Substantially Achieved:	3	3	6	12	41.4
Partially Achieved:	6	3	6	15	51.7
Not Achieved or Addressed:	1	0	1	2	6.9
Not Applicable:	3	6	11	20	
Conformity of Statewide data indicators with national standards:					
	National Standard (percentage)	State’s Data (percentage)	Meets Standard	Does Not Meet Standard	
Foster care re-entries	8.6	20.2		X	
Length of time to achieve reunification	76.2	87.0	X		
Length of time to achieve adoption	32.0	42.2	X		
Stability of foster care placements	86.7	80.8		X	
Length of stay in foster care*					

*Not used to determine substantial conformity.

STATUS OF PERMANENCY OUTCOME P1

Montana did not achieve substantial conformity with Permanency Outcome 1. This determination was based on the following findings:

- 41.4 percent of the cases were rated as having substantially achieved Permanency Outcome 1, which is less than the 90 percent required for an overall rating of substantial conformity;
- The State Data Profile indicated that for fiscal year 2000, the State's percent of re-entries into foster care within 12 months of discharge from a prior foster care episode (20.2%) did not meet the national standard of 8.6 percent; and
- The State Data Profile indicated that for fiscal year 2000, the State's percent of children who experienced two or fewer placements during their first 12 months in foster care (80.8%) did not meet the national standard of 86.7 percent.

Although the State Data Profile indicates that Montana did not meet the national standard for foster care re-entries or placement stability, 87 percent of the children reunified in fiscal year 2000 were reunified within 12 months of entry into foster care, which meets the national standard of 76.2 percent. In addition, 42.2 percent of the children who exited foster care to a finalized adoption achieved the adoption within 24 months of entry into foster care, which also met the national standard of 32.0 percent.

The case review process supports the data provided in the State Data Profile with regard to foster care re-entries and placement stability. However, in contrast to the data provided in the State Data Profile on reunifications and adoptions, the case review process found that CFSD was not consistently effective in achieving permanency for children in a timely manner. Establishing appropriate permanency goals and achieving adoptions in a timely manner were the most critical problems identified, with reviewers rating "adoption" as an Area Needing Improvement in 64 percent of the applicable cases.

Findings pertaining to the specific items assessed under Permanency Outcome 1 are presented below.

Item 5. Foster care re-entries

☐ Strength ☒ Area Needing Improvement

Review Findings: Six of the 29 foster care cases were applicable to an assessment of item 5 because they involved children who entered foster care during the period under review. In assessing this item, reviewers were to determine whether the entry into foster

care during the period under review had occurred within 12 months of discharge from a prior foster care episode. The results of this assessment were the following:

- Item 5 was rated as a Strength in 3 (50%) of the 6 applicable cases.
- Item 5 was rated as an Area Needing Improvement in 3 (50%) of the 6 applicable cases.

A rating of Area Needing Improvement for this item was assigned to 3 cases in which there was an entry into foster care during the period under review that was within 12 months of discharge from a prior foster care episode.

Stakeholders commenting on this issue expressed differing opinions on the issue of foster care re-entries. Some stakeholders suggested that there are foster care re-entries and that the incidence may be attributed in part to the shorter statutory timeframes established by the Adoption and Safe Families Act (ASFA). The short timeframes may result in courts sending children home before adequate changes have been made in the family situation and before parents are ready for reunification. Other stakeholders, however, commented that they do not see many foster care re-entries and attributed this to the fact that the agency keeps cases open after a child has been reunified in order to provide continued services and monitoring.

Determination and Discussion: Item 5 was assigned an overall rating of Area Needing Improvement based on the following:

- The State's incidence of foster care re-entry (20.2 percent) reported in the State Data Profile does not meet the national standard of 8.6 percent.
- In 50 percent of the applicable cases, children re-entered foster care within 12 months of discharge from a prior foster care episode.

According to the Statewide Assessment and stakeholder interviews, CFSD believes that the rate of foster care re-entry is a data entry issue and not a practice issue. Since CAPS is a payment system, many workers believe that they have to close foster care when a child leaves a foster family to enter respite care for the weekend, to go home for a trial visit, to enter a hospital, or because the child has run away. The worker then re-opens the case as a foster care case when the child returns to the foster family. The Statewide Assessment notes that a system change for CAPS is planned to address this problem.

Item 6. Stability of foster care placement

____ Strength __X__ Area Needing Improvement

Review Findings: All 29 foster care cases were applicable for an assessment of Item 6. In assessing this item, reviewers were to determine whether the child experienced multiple placement settings during the period under review and, if so, whether the changes in

placement settings were necessary to achieve the child's permanency goal or meet the child's service needs. The findings of this assessment were the following:

- Item 6 was rated as a Strength in 23 (79%) of the 29 applicable cases.
- Item 6 was rated as an Area Needing Improvement in 6 (21%) of the 29 applicable cases.

The case review found the following:

- Children in 17 cases experienced only 1 placement during the period under review.
- Children in 7 cases experienced 2 placements during the period under review.
- Children in 5 cases experienced 3 or more placements during the period under review.

This item was rated as a Strength when reviewers determined that children did not experience a placement change during the period under review, or that placement changes were necessary to meet children's needs or promote attainment of their permanency goals (such as movement from a residential treatment center to a therapeutic foster home).

A rating of Area Needing Improvement for this item was assigned when reviewers made the following determinations:

- There were multiple placement changes and the reasons for change did not relate to meeting the child's service needs (3 cases).
- The child's current placement was not stable and no efforts were being made to promote greater stability (3 cases).

In four of the cases rated as Area Needing Improvement, the children had been moved in and out of shelters when other placements disrupted. At the time of the review, one child had been in a shelter for several months and there was no evidence of plans to move the child to a more permanent home in the near future.

Stakeholders commenting on this issue noted that placement stability is negatively impacted by the lack of placement options for many children in foster care, particularly children requiring more therapeutic settings. Stakeholders also described the lack of placement options as responsible for the overuse of shelters and for children remaining in shelter care for long periods of time. Stakeholders generally agreed, however, that the agency's use of kinship placements promotes placement stability.

Determination and Discussion: Item 6 was rated as an Area Needing Improvement based on the following findings:

- In 21 percent of the applicable cases, reviewers determined that placement changes were not in the best interests of the child.
- The State Data Profile indicates that 80.8 percent of children in foster care in the State for 12 months or less during FY 2000 had no more than two placement settings, which does not meet the national standard of 86.7 percent.

The Statewide Assessment notes that there are many reasons that children who are placed in foster care may be moved and suggests that increased efforts to attain permanency in a timely manner should result in fewer changes in foster care placements.

Item 7. Permanency goal for child

____ Strength __X__ Area Needing Improvement

Review Findings: All 29 foster care cases were applicable for an assessment of item 7. In assessing this item, reviewers were to determine whether the agency had established an appropriate permanency goal for the child in a timely manner, including filing termination of parental rights (TPR) petitions when relevant. The results of this assessment were the following:

- Item 7 was rated as a Strength in 21 (72%) of the 29 applicable cases.
- Item 7 was rated as an Area Needing Improvement in 8 (28%) of the 29 applicable cases.

The assessment identified the following permanency goals for the 29 children in foster care:

- 10 children had a goal of reunification with parents or relatives.
- 2 children had a goal of guardianship.
- 11 children had a goal of adoption (one with a concurrent goal of long term foster care).
- 7 children had a goal of long-term foster care (one with a concurrent goal of adoption).

Children in 19 of the 29 applicable cases had been in care for 15 of the past 22 months. CFSD had filed for TPR for 16 of these children and attained TPR for 11 children. For two of the three children for whom TPR had not been filed, compelling reasons were noted in the case file.

Cases were assigned a rating of Strength for this item when reviewers determined that CFSD had established an appropriate permanency goal in a timely manner. Reviewers noted that the establishment of appropriate permanency goals in a timely manner appeared to be greatly enhanced when families participated in FGDM meetings.

The permanency goals for children in the eight cases assigned a rating of Area Needing Improvement for this item were long term foster care (4 cases), reunification (2 cases), guardianship (1 case), and adoption (1 case). Cases were rated as an Area Needing Improvement when reviewers determined one or more of the following:

- The goal of reunification had not been changed even though it was in place for a long period of time and it was apparent that reunification was unlikely to occur (2 cases).
- The goal established for the child was inappropriate (3 cases). (This pertained to cases in which long-term foster care was established as a goal without exploring other options.)
- The goal established for the child was appropriate, but was not established in a timely manner (3 cases).

Reviewers also expressed concern that 7 of the 29 children in the foster care cases had a "permanency goal" of long term foster care. In four of these cases, the child was 14 years old or younger when this goal was established.

Although only a few stakeholders commented on this issue, they were in general agreement that CFSD establishes appropriate permanency goals in a timely manner. These stakeholders also noted that CFSD uses concurrent planning to ensure both timely goal setting and timely permanency. However, there was evidence of concurrent planning in only one of the cases reviewed, and in that case the concurrent goals were long-term foster care and adoption.

Determination and Discussion: Item 7 was assigned an overall rating of Area Needing Improvement based on the finding that in 28 percent of the applicable cases, reviewers determined that CFSD had not established appropriate permanency goals in a timely manner. Key concerns pertained to (1) maintaining the goal of reunification for many years even when it does not appear to be a likely outcome, and (2) establishing long-term foster care as a goal without fully exploring other possible options.

Item 8. Reunification, Guardianship, or Permanent Placement with Relatives

_____ Strength __X__ Area Needing Improvement

Review Findings: Item 8 was applicable for 12 cases. In assessing these cases, reviewers were to determine whether the agency had achieved children's goals of reunification or guardianship in a timely manner or, if goals had not been achieved in a timely manner, whether CFSD had made diligent efforts to achieve the goals. The results of this assessment were the following:

- Item 8 was rated as a Strength for 9 (75%) of the 12 applicable cases.
- Item 8 was rated as an Area Needing Improvement for 3 (25%) of the 12 applicable cases.

Of the 12 applicable cases, 10 had a goal of reunification and 2 had a goal of guardianship. The permanency goal of reunification was achieved for 8 cases, and in 7 of those cases, the goal was achieved within 12 months. A rating of Strength was assigned to seven cases in which the goals of reunification or guardianship had been achieved in a timely manner, and to two cases in which the agency had made diligent efforts to promote attainment of the goal.

A rating of Area Needing Improvement was assigned to one case when reviewers determined that there were multiple goals that kept changing based on the mother's changing desires with regard to the child and CFSD had not made efforts to determine the most appropriate goal for the child and work toward that goal. This rating also was assigned to two cases because the goal of reunification was in place for more than 7 years without diligent efforts being made to achieve or appropriately alter the goal. One of the children had been emancipated from foster care during the period under review, and the other child was about to be emancipated.

Both reviewers and stakeholders expressed the opinion that a family's involvement in a FGDM meeting tended to enhance the attainment of permanency in a timely manner, regardless of the child's goal. Stakeholders noted that the State's subsidized guardianship demonstration project should have the effect of further expediting permanency.

Determination and Discussion: Although the State Data Profile indicates that for fiscal year 2000, the State met the national standard for reunifications within 12 months of entry into foster care, this item was assigned an overall rating of Area Needing Improvement because the case review process revealed that for 25 percent of the applicable cases, CFSD had not made diligent efforts to achieve the goal of reunification in a timely manner. Because the two indicators are assessed through different measures, it is necessary to meet the standard or criteria for both in order to receive a rating of Strength.

Item 9. Adoption

____ Strength __X__ Area Needing Improvement

Review Findings: Eleven of the 29 foster care cases were applicable for an assessment of item 9, with one case having a concurrent goal of long-term foster care. In assessing this item, reviewers were to determine whether appropriate and timely efforts had been, or were being, undertaken to achieve finalized adoptions. The results were the following:

- Item 9 was rated as a Strength in 4 (36%) of the 11 applicable cases.
- Item 9 was rated as an Area Needing Improvement in 7 (64%) of the 11 applicable cases.

For the 11 cases in which adoption was the permanency goal, eight children were in adoptive placements. Three adoptive placements were with relatives and five were with foster parents.

This item was rated as a Strength when reviewers determined that the agency was making or had made diligent efforts to expedite adoption and had effectively addressed potential barriers to adoption by working closely with the courts and with the Tribes, when relevant.

The item was rated as an Area Needing Improvement when reviewers determined that CFSD had not made diligent efforts to achieve a finalized adoption in a timely manner. In all cases rated as an Area Needing Improvement, children had been in foster care for more than 2 years without achieving a finalized adoption, and in two cases, the children were in foster care for more than 4 years. In five cases, reviewers determined that delays in achieving adoptions were due to a lack of effort on the part of CFSD to find an adoptive placement. Reviewers suggested that workers do not seek adoptive family options because they are maintaining hope that foster parents will adopt children even when the foster parents have made it clear that they have no interest in adoption. For the most part,

foster parents appear to be reluctant to adopt their foster children because they fear that they will not be able to meet the children's special needs. In two cases, reviewers attributed delays to court-related delays in the termination of parental rights.

Some stakeholders commenting on this issue expressed the opinion that some foster parents and relatives may be reluctant to adopt because there is a lack of post-adoption services, and they may feel that they need continued services. These stakeholders noted that the absence of post adoption services may explain the high rate of adoption disruptions and dissolutions that are experienced within the State. Other stakeholders attributed adoption disruptions and dissolutions to the fact that some adoptions may be occurring too quickly when other options may have been more appropriate.

Determination and Discussion: Although the State Data Profile indicates that the percent of children exiting foster care to a finalized adoption within 24 months of entry into foster care (42.2%) meets the national standard of 32 percent, this item was assigned an overall rating of Area Needing Improvement because in 64 percent of the applicable cases, reviewers determined that CFSD had not made diligent efforts to achieve adoptions in a timely manner. Because the two indicators are assessed through different measures, it is necessary for both to meet criteria or standards in order for the item to be rated as a Strength. It should be noted that cases of finalized adoptions were not reviewed based on the child welfare agency's decision that a State law sealing adoption case records precluded these cases from being reviewed during the CFSR.

Despite this rating, the Statewide Assessment notes that the State exceeded the national standard for adoptions within 24 months in 1998, 1999, and 2000. However, the Statewide Assessment also notes that there are few adoption resources available for older children or for children who are emotionally disturbed. Subsidies for both adoptions and guardianships have helped but it remains difficult to find families for these children. A major concern for families thinking about adoption is a fear of not having services available to them after the adoption. Foster children receive extras such as clothing allowances, independent living grants, and scholarships, and once they are adopted, these extras are no longer available to them. In addition, according to the Statewide Assessment, there are very few support services in place for adoptive families. Although adoption subsidies have helped considerably, there is a definite need for additional support services for these families.

Item 10. Permanency goal of other planned permanent living arrangement

☐ Strength ☒ Area Needing Improvement

Review Findings: Seven of the 29 foster care cases were assessed for item 10. In assessing these cases, reviewers were to determine whether the agency had made, or was making, diligent efforts to assist children in attaining their goals related to other planned permanent living arrangements. The results of this assessment were the following:

- Item 10 was rated as a Strength in 4 (57%) of the 7 applicable cases.
- Item 10 was rated as an Area Needing Improvement in 3 (43%) of the 7 applicable cases.

In the four cases assigned a rating of Strength, reviewers determined that the children were in long-term stable placements with foster parents who expressed a commitment to care for the child until the child was emancipated. Three of the children were in non-kin foster homes and one child was with a relative. In two cases, foster parents and relative caregivers did not want to adopt the children. However, reviewers noted that for two cases, there was no mention regarding whether current foster parents had been approached about adoption or guardianships for the children. This item was rated as an Area Needing Improvement when reviewers determined that children were not in stable long-term placements (2 cases) or were not receiving services to support eventual independent living after emancipation (1 case).

Stakeholders commenting on this issue expressed the opinion that long-term foster care is too often established as a child's goal without fully exploring other permanency options. Stakeholders also noted that very few children who are in long-term foster care and who will eventually be emancipated are receiving sufficient service to prepare them for independent living.

Determination and Discussion: This item was assigned an overall rating of Area Needing Improvement because in 43 percent of the applicable cases, reviewers determined that CFSD had not made diligent efforts to support children in the goal of long-term foster care leading to emancipation/independent living. As noted in the Statewide Assessment, one of the permanency options for the State is placement in a planned permanent living arrangement that is a permanent, lifetime commitment until the child reaches 18 years of age.

Permanency Outcome 2

Outcome P2: The continuity of family relationships and connections is preserved for children.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Cascade	Lewis & Clark	Yellowstone	Total	Percentage
Substantially Achieved:	6	6	10	22	75.9
Partially Achieved:	3	0	3	6	20.7
Not Achieved or Addressed:	1	0	0	1	3.4
Not Applicable:	3	6	11	20	

STATUS OF PERMANENCY OUTCOME P2:

Montana did not achieve substantial conformity with Permanency Outcome 2. This determination was based on the finding that the outcome was rated as substantially achieved in 75.9 percent of the cases, which is less than the 90 percent required for substantial conformity.

Although the State did not reach the 90 percent achievement required for substantial conformity, there were areas of strength with regard to this outcome. For example, almost all children in the foster care cases reviewed were placed with siblings when appropriate, and almost all children were placed in close proximity to their communities of origin when relevant. In addition, in the vast majority of cases, reviewers determined that CFSD had made diligent efforts to preserve children's connections to extended family and cultural heritage. However, reviewers also determined that CFSD was inconsistent in its efforts to search for relatives, particularly when initial relative placements disrupted.

Reviewers also identified concerns regarding establishing regular ongoing patterns of visitation between parents and children and between siblings in foster care. For example, in many cases, visitation seemed to be left up to foster parents or private providers to arrange, and CFSD workers only arranged visitation when the parent made a specific request. In contrast, in other cases, reviewers determined that CFSD workers made diligent efforts to ensure frequent ongoing visitation between parents and children. Finally, although most children were placed with their siblings, reviewers noted that when the siblings were separated, diligent efforts were not always made to ensure their ongoing contact and visitation.

Specific findings pertaining to the items assessed under Permanency Outcome 2 are presented and discussed below.

Item 11. Proximity of foster care placement

☒ Strength ☐ Area Needing Improvement

Review Findings: Of the 29 foster care cases, 22 were applicable for an assessment of item 11. Cases determined to be not applicable were those in which TPR had been attained prior to the period under review, or in which contact with parents was not considered to be in the child's best interest. In assessing item 11, reviewers were to determine whether the child's foster care setting was in close proximity to the child's parents or close relatives. This assessment resulted in the following findings:

- Item 11 was rated as a Strength in 20 (91%) of the 22 applicable cases.
- Item 11 was rated as an Area Needing Improvement in 2 (9%) of the 22 applicable cases.

In the 20 cases rated as a Strength, reviewers determined that children were placed in the same community or county as parents or relatives (18 cases), or that the reason for out-of-area placement was justifiable on the basis of the children's needs (2 cases). In the two cases rated as an Area Needing Improvement, reviewers determined that the child's placement outside of the county created a barrier to visitation with parents and that the location of the placement was not clearly related to helping the family achieve case plan goals.

Determination and Discussion: Item 11 was assigned an overall rating of Strength because in 91 percent of applicable cases, reviewers determined that children were placed in close proximity to parents or relatives, or that the separation was necessary to meet the child's needs.

Item 12. Placement with siblings

☒ Strength ☐ Area Needing Improvement

Review Findings: Sixteen of the 29 foster care cases involved a child with siblings who also were in foster care. In assessing item 12, reviewers were to determine whether siblings were, or had been, placed together and, if not, whether separation was necessary to meet the needs (service or safety needs) of one or more of the children. This assessment resulted in the following findings:

- Item 12 was rated as a Strength in 14 (87.5%) of the 16 applicable cases.
- Item 12 was rated as an Area Needing Improvement in 2 (12.5%) of the 16 applicable cases.

The case reviews found that in 8 of the 16 applicable cases, the child was in the same placement setting as at least one other sibling, and in 7 of these cases, the child was in the same placement setting as all of his or her siblings. In the 7 of the 9 cases in which the child was separated from some or all siblings, reviewers determined that the separation was in the best interest of the siblings. In the two cases rated as an Area Needing Improvement for this item, children were placed separately and reviewers noted that there was no apparent reason for the separation. In one of these cases, two brothers were placed in two separate foster homes. Both foster families said that they would have taken the other brother, but that the agency had not asked them to do that.

Stakeholders commenting on this issue were in general agreement that CFSD is effective in ensuring that siblings are placed together.

Determination and Discussion: Item 12 was assigned an overall rating of Strength based on the finding that in 87.5 percent of the cases, reviewers determined that siblings either were placed together or their separation was necessary to meet the needs of one or more of the siblings.

Item 13. Visiting with parents and siblings in foster care

_____ Strength X Area Needing Improvement

Review Findings: An assessment of item 13 was applicable for 27 of the 29 foster care cases. Cases were not applicable for assessment if the child had no siblings in foster care, if the parents could not be located or were no longer involved in planning for their children, and/or if visitation with parents was considered not in the best interests of the child. In assessing this item, reviewers were to determine (1) whether CFSD had made, or was making, diligent efforts to facilitate visitation between children in foster care and their parents and siblings in foster care, and (2) whether these visits typically occurred with sufficient frequency to meet the needs of children and families. The findings of this assessment were the following:

- Item 13 was rated as a Strength in 18 (67%) of the 27 applicable cases.
- Item 13 was rated as an Area Needing Improvement in 9 (33%) of the 27 applicable cases.

The analysis of case reviews revealed the following frequencies for visits between children and their mothers (23 applicable cases):

- Weekly visits in 5 cases.
- Twice a month visits in 2 cases.
- Monthly visits in 5 cases.
- Less than monthly visits in 7 cases.
- No visits in 4 cases.

In 2 of the 11 cases in which there were either no visits with the mother or visits took place less frequently than once a month, reviewers determined that CFSD had not made diligent efforts to promote and support visitation.

Typical visitation patterns for children and their fathers were the following (17 applicable cases):

- Weekly visits in 4 cases.
- Monthly visits in 3 cases.
- Less than monthly visits in 4 cases.
- No visits in 6 cases.

In 4 of the 10 cases in which there were either no visits with the father or visits took place less frequently than once a month, reviewers determined that CFSD had not made concerted efforts to promote or support visitation with fathers.

Visitation between children and their siblings in foster care (7 applicable cases) typically took place with the following frequency:

- Monthly visits in 2 cases.
- Less than monthly visits in 2 cases.
- No visits in 3 cases.

This item was rated as a Strength when reviewers determined that CFSD had actively promoted visitation between children and their parents and/or siblings. The item was rated as an Area Needing Improvement when reviewers determined one or more of the following:

- There was no pattern of regular visitation between children and parents and CFSD had not made efforts to support or arrange regular visitation (6 cases).
- The agency permits unsupervised visitation with parents who are a potential risk to the child (2 cases).
- Children have had minimal contact with siblings (2 cases).

Stakeholders commenting on this issue expressed the opinion that foster parents and provider contractors are the ones who usually arrange visits between parents and children and between siblings in foster care. CFSD social workers were seen as not frequently involved in this process unless the parents asked them to arrange a visit.

Determination and Discussion: Item 13 was assigned an overall rating of Area Needing Improvement because in 33 percent of the applicable cases, reviewers determined that CFSD had not made concerted efforts to facilitate visitation. The primary concern identified was that visitation often is left up to foster parents or relative caregivers to arrange, and if they do not make the arrangements then no regular pattern is established. According to the Statewide Assessment, individual treatment plans delineate how often contacts between parents and children are to occur and the level of supervision that is to be provided during the contact. It is not clear, however, whether procedures are in place to monitor whether visitation actually occurs in accordance with the treatment plan.

Item 14. Preserving connections

☒ Strength ☐ Area Needing Improvement

Review Findings: Item 14 was applicable for assessment in all 29 foster care cases. In assessing item 14, reviewers were to determine whether CFSD had made, or was making, diligent efforts to preserve the child's connections to family, neighborhood, community, heritage, faith, and friends while the child was in foster care. The assessment resulted in the following findings:

- Item 14 was rated as a Strength in 25 (86%) of the 29 applicable cases.
- Item 14 was rated as an Area Needing Improvement in 4 (14%) of the 29 applicable cases.

Case reviewers determined that in 23 of the 29 cases, children's primary connections had been "significantly" preserved while they were in foster care; in 4 cases, children's primary connections had been "partially" preserved; and in 2 cases, children's primary connections had been "not at all" preserved. Of the 14 cases involving Native American children, reviewers determined that the Tribes had been appropriately notified at the onset of agency contact in 10 cases. Eight of the Native American children were placed with extended family or members of their Tribe.

Cases were rated as a Strength for this item when reviewers determined that critical primary connections were at least partially preserved. Cases were rated as an Area Needing Improvement for this item when reviewers determined the following:

- Connections with extended family were not being preserved (2 cases).
- Connections with the Tribe and Native American culture were not being preserved (2 cases).

Stakeholders commenting on this issue were in general agreement that when a Native American child comes to the attention of the agency, the workers notify the Tribes as soon as possible, attempt to involve the Tribes in planning for the child, and work with foster families to ensure that Native American children are connected to their heritage when they are placed in non-Native homes. Stakeholders expressed the opinion that notifications to Tribes were generally in accordance with the requirements of the Indian Child Welfare Act (ICWA). Stakeholders also reported that family group decision-making with Native American families has led to positive results regarding family connections.

Stakeholders identified a need for further training to strengthen the agency's skills in addressing cultural issues associated with Native American, African American, and Hispanic families. Also, stakeholders reported that the agency has implemented an ICWA Qualified Expert Witness project; however, there is some concern regarding how to address issues when there is a lack of consensus between the expert witness and the agency.

Determination and Discussion: Item 14 was assigned an overall rating of Strength because in 86 percent of the cases, reviewers determined that children's connections to family and their heritage had been preserved while the child was in foster care. According to the Statewide Assessment, data indicate that CFSD has a high degree of compliance with ICWA placement requirements. Within the State, 20 percent of the licensed foster families are Native American and while it is acknowledged that more Native American foster families are needed, many Native American children are placed with Native American families. This was supported by case review findings that 8 of the 14 Native American children were placed with extended family or with Tribal families.

Item 15. Relative placement

____ Strength __X__ Area Needing Improvement

Review Findings: An assessment of item 15 was applicable for all 29 foster care cases. In assessing this item, reviewers were to determine whether CFSD had made diligent efforts to locate and assess relatives (both maternal and paternal relatives) as potential placement resources for children in foster care. The results of this assessment were the following:

- Item 15 was rated as a Strength in 23 (79%) of the 29 applicable cases.
- Item 15 was rated as an Area Needing Improvement in 6 (21%) of the 29 applicable cases.

This item was rated as a Strength when reviewers determined that (1) children were placed with relatives (13 cases), (2) children were not placed with relatives but CFSD had made diligent efforts to seek relatives and assess them as a placement resource (7 cases), or (3) placement in a relative home disrupted because of child's behavior and need for a higher level of placement. Of the 13 children placed with relatives, 6 were placed with a maternal grandparent, 4 with a maternal aunt/uncle, 2 with a paternal aunt/uncle, and 1 with a stepfather.

Cases were rated as an Area Needing Improvement when reviewers determined the following:

- CFSD made no efforts to explore the possibility of relative placements (2 cases).
- CFSD placed the children with relatives, but when the placement disrupted, no efforts were made to find other relatives (3 cases).
- CFSD sought relative placements, but not in a timely manner (i.e., the child was in foster care for 27 months before relatives were sought) (1 case).

Stakeholders commenting on this issue expressed the opinion that CFSD makes extensive use of relatives as placement resources. However, stakeholders also expressed the opinion that the agency does not conduct a thorough enough evaluation of the relatives' appropriateness prior to placement. Stakeholders were in general agreement that the use of FGDM enhanced placement of children with extended family members.

Determination and Discussion: This item was assigned an overall rating of Area Needing Improvement because reviewers determined that in 21 percent of the cases, CFSD had not made diligent efforts to locate and assess relatives as potential placement resources. The primary concern identified was that when a relative placement disrupts, the agency is not consistent in seeking other relatives as alternative placement options.

According to the Statewide Assessment, members of a child's family are the first consideration for placement when it is necessary to remove children from their homes. Also, the State has experienced an increase in the number of children placed in relative homes

from 1998-2000, which was attributed to the increase in the use of family group decision-making as well as to a greater emphasis on utilization of kinship (relative) placements. Division policy requires staff to consider placement first with the non-custodial parent and then with kin whenever a child must be placed in foster care. The decision to place with kin is based on a determination that such placement is in the child's best interests and approval (not necessarily licensure) of the home. It is important to note that CFSD's definition of a kinship home is not limited to blood relatives, but may include members of a child's or family's tribe, godparents, stepparents or a person to whom the child or the child's family ascribe a family relationship. The child must have had a significant emotional tie to the person prior to the agency becoming involved with the child or family.

Item 16. Relationship of child in care with parents

___ Strength __X__ Area Needing Improvement

Review Findings: An assessment of item 16 was applicable for 23 of the 29 foster care cases. A case was considered not applicable for assessment if parental rights had been terminated and parents were no longer involved with the child, or if a relationship with the parents was considered to be contrary to the child's best interests. In assessing this item, reviewers were to determine whether CFSD had made diligent efforts to support or maintain the bond between the child and both of his/her parents through visitation and provision of services that promote bonding. The results of this assessment were the following:

- Item 16 was rated as a Strength in 17 (74%) of the 23 applicable cases.
- Item 16 was rated as an Area Needing Improvement in 6 (26%) of the 23 applicable cases.

Reviewers assigned a rating of Strength for this item when there was evidence of the following: (1) regular visitation and positive interactions between parent and child, or (2) no visitation or no evidence of a bond between parent and child, but evidence of efforts on the part of CFSD to promote visitation and support bonding. Reviewers identified several examples of agency efforts to promote bonding through attempts to locate parents when they disappear, making arrangements for daily visits, supporting supervised visitation when parents are still considered a potential risk to the child, and permitting and supporting contact between children and parents even after TPR.

Reviewers assigned a rating of Area Needing Improvement to this item when they found the following:

- The parent and child did not have a strong bond and the agency failed to make efforts to strengthen the relationship (4 cases).
- A bond between parent and child existed but was inappropriate, and the agency did not attempt to promote a healthier relationship (2 cases).

Determination and Discussion: Item 16 was assigned an overall rating of Area Needing Improvement because reviewers determined that in 26 percent of cases, CFSD had not made efforts to support the parent-child relationships of children in foster care. The primary concern identified was that the agency did not provide services to help strengthen the relationship between parents and children. In several cases reviewers noted that the agency did not use the scheduled visitations between children and their parents as opportunities to assess the dynamics of these relationships in order to strengthen the parent and child relationship. Additionally, there were some situations that were determined to have left children at risk during visits. The reviewers expressed concerns that there were often no services provided to the families to help improve the relationships and facilitate the timely reunification of children with their parents when it was appropriate.

III. CHILD AND FAMILY WELL-BEING

Child Well-Being Outcome 1

Outcome WB1: Families have enhanced capacity to provide for their children's needs.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Cascade	Lewis & Clark	Yellowstone	Total Number	Total Percentage
Substantially Achieved:	3	9	13	25	51.0
Partially Achieved:	7	2	8	17	34.7
Not Achieved or Addressed:	3	1	3	7	14.3
Not Applicable:	0	0	0	0	

STATUS OF CHILD AND FAMILY WELL-BEING OUTCOME 1

Montana did not achieve substantial conformity with Well-Being Outcome 1. This determination was based on the finding that the outcome was rated as substantially achieved for 51 percent of the cases reviewed, which is less than the 90 percent required for a determination of substantial conformity.

A general finding of the CFSR was that CFSD was not consistent in its efforts to identify and address families' service needs, involve family members in case planning, and establish contact with children and parents with sufficient frequency. However, in most in-home services cases managed by contracted providers, concerted efforts were made to meet the family's service needs, involve the family in case planning, and establish frequent contact with children and parents. In fact, the majority of cases assigned a rating of Area Needing Improvement for visiting with children and parents and for involving family members in case planning were foster care

cases. Both reviewers and stakeholders suggested that the use of FGDM increases a family's involvement in the case planning process and enhances the assessment of a family's service needs.

Findings pertaining to the specific items assessed under Well-Being Outcome 1 are presented and discussed below.

Item 17. Needs and services of child, parents, foster parents

☐ Strength ☒ Area Needing Improvement

Review Findings: An assessment of item 17 was applicable for all 49 cases. In assessing the item, reviewers were to determine whether CFSD had (1) adequately assessed the needs of children, parents, and foster parents; and (2) provided the services necessary to meet those needs. The results were the following:

- Item 17 was rated as a Strength in 27 (55%) of the 49 applicable cases (16 of which were foster care cases).
- Item 17 was rated as an Area Needing Improvement in 22 (45%) of the 49 applicable cases (12 of which were foster care cases).

The analysis of data from the case review process revealed the following findings:

- Children's needs were not assessed in 15 of the 49 applicable cases, and services were not provided in 14 of those cases. In 3 cases in which services were provided, reviewers determined that the services did not meet the children's needs.
- Mothers' needs were not assessed in 10 of the 40 cases in which an assessment of mothers' needs was determined to be applicable. Services were not provided to mothers in 9 of the applicable cases.
- Fathers' needs were not assessed in 15 of the 31 cases in which an assessment of fathers' needs was determined to be applicable. Services were not provided to fathers in 13 of the applicable cases.
- Foster parents' needs were not assessed in 10 of the 27 applicable foster care cases, and services were not provided in 8 of these cases.

In general, cases were rated as a Strength for this item when reviewers determined that there were no unmet assessment or service needs for children, parents, or foster parents. Reviewers noted that when in-home services cases were managed by private provider agencies, there tended to be ongoing assessments of the needs of family members and extensive monitoring to ensure that identified services were received.

A rating of Area Needing Improvement was assigned to cases in which reviewers determined one or more of the following:

- Mothers' needs were not assessed and/or services not provided (9 cases).
- Fathers' needs were not assessed and/or services not provided (8 cases).

- Children's needs were not assessed and/or services not provided (12 cases).
- Foster parents' needs were not assessed and/or services not provided (6 cases).
- Mothers had identified service needs that were not being met (3 cases).
- Children had identified service needs that were not being met (5 cases).

Reviewers also found that often there was no documentation of assessments or identified needs in the case files. They expressed the opinion that there does not appear to be a uniform agency process or procedure for conducting assessments and providing documentation. Reviewers also expressed concern that although many families were receiving a number of services, there did not appear to be an effort to coordinate those services to maximize resources.

Stakeholders commenting on this issue reported that there are a number of services available in most communities to meet the needs of families. However, some stakeholders suggested that CFSD did not make sufficient referrals for mental health services and that children's and parents' mental health needs were not being adequately addressed.

Determination and Discussion: Item 17 was assigned an overall rating of Area Needing Improvement because in 45 percent of the cases, reviewers determined that CFSD was not adequately addressing the needs and services of children, parents, and/or foster parents. A key finding was that in-home services cases that were managed by contracted providers tended to have more consistent assessment procedures and provided clearer documentation of the assessment process than other cases. Another key finding was that within CFSD, there was no uniform procedure for assessing a family's needs or documenting identified service needs.

Item 18. Child and family involvement in case planning

☐ Strength ☒ Area Needing Improvement

Review Findings: An assessment of item 18 was applicable for 47 of the 49 cases. In assessing this item, reviewers were to determine whether parents (including pre-adoptive parents or permanent caregivers) and children (if age-appropriate) had been involved in the case planning process, and if not, whether their involvement was contrary to the child's best interest. A determination of involvement in case planning required that a parent (or child) had actively participated in identifying the services and goals included in the case plan. This assessment produced the following findings:

- Item 18 was rated as a Strength in 28 (60%) of the 47 applicable cases (13 of which were foster care cases).
- Item 18 was rated as an Area Needing Improvement in 19 (40%) of the 47 applicable cases (14 of which were foster care cases).

Specific findings of the review process were the following:

- Mothers were appropriately involved in the case planning process in 26 cases. In 11 cases, there were insufficient efforts to involve mothers in the case planning process. There were 5 cases in which mothers were not available to participate and 5 cases in which the mothers' participation was considered to be contrary to the child's best interest.
- Fathers were appropriately involved in the case planning process in 17 cases. In 9 cases, there were insufficient efforts to involve fathers in the case planning process. There were 16 cases in which fathers were not available to participate and 5 cases in which fathers' participation was considered to be contrary to the child's best interest.
- Children were appropriately involved in the case planning process in 12 cases. There were 11 cases in which children did not participate but were old enough. There were 24 cases in which reviewers determined that the children were not old enough to participate in the case planning process.

Cases were assigned a rating of Strength for this item when reviewers determined that all relevant parties had actively participated in the case planning process. Reviewers found that parent and child involvement in case planning was most likely to occur in in-home services cases that were managed by private providers under contract to CFSD and in foster care cases in which families participated in a FGDM meeting.

Cases were assigned a rating of Area Needing Improvement when reviewers determined one or more of the following:

- Mothers were initially involved in case planning, but there was no updated plan and no further involvement of mothers (5 cases).
- Child was not involved in case planning, but was considered to be old enough to have been involved (10 cases).
- Mothers were never involved in the case planning process (6 cases).
- Fathers were never involved in case planning process (9 cases).

Case reviewers reported that for many cases, there was poor documentation of the case plan in the case files, and that when the case plan was in the file, it was generally fairly brief and did not contain much information. In five cases, reviewers indicated that parents and children expressed frustration over their lack of participation in the planning process and confusion regarding their cases.

Most stakeholders commenting on this issue expressed the opinion that the agency is inconsistent in involving families in the case planning process. They noted that when families participate in a FGDM meeting, all relevant family members tend to be involved in the case planning process. However, when a FGDM meeting is not held, the CFSD caseworker often does not have the time to support efforts to engage families in case planning because of workload demands. Stakeholders also noted that the CFSD develops a treatment plan as well as a case plan and that the two are not integrated. Many of the case goals and activities are identified in the treatment plan rather than the case plan.

Determination and Discussion: Item 18 was assigned an overall rating of Area Needing Improvement because in 40 percent of the applicable cases, reviewers determined that CFSD had not appropriately involved parents or children in the case planning process.

According to the Statewide Assessment, FGDM meetings promote family involvement in the case planning process. Participation in a FGDM is voluntary, although it is encouraged for all families with children at risk of abuse or neglect, unless family circumstances deem it inappropriate. This practice began as a pilot in 1997 and is currently offered statewide. The number of family meetings conducted has grown from 184 in 1998 to 684 in State fiscal year 2001. Due largely to the success of this practice, Montana's 2001 Legislature allocated resources to enable CFSD to continue and increase this practice statewide. During the family meeting, the facilitator (a trained social worker) guides the family in the development of their plan for remedying the situation that puts the child(ren) at risk. If there has been court involvement, the plan would become the court-ordered treatment plan for reunification of the family.

Item 19. Worker visits with child

☐ Strength ☒ Area Needing Improvement

Review Findings: All 49 cases were applicable for an assessment of item 19. In conducting this assessment, reviewers were to determine whether the frequency of visits between caseworkers and children was sufficient to ensure adequate monitoring of the child's safety and well-being, and whether visits focused on issues pertinent to case planning, service delivery, and goal attainment. The results of the assessment were the following:

- Item 19 was rated as a Strength in 37 (76%) of the 49 applicable cases (18 of which were foster care cases).
- Item 19 was rated as an Area Needing Improvement in 12 (24%) of the 49 applicable cases (11 of which were foster care cases).

Reviewers noted the following with respect to typical patterns of caseworker visits with children in in-home services cases:

- Weekly visits - 10 cases
- Twice a month visits - 5 cases
- Monthly visits - 5 cases

Typical patterns of caseworker visitation with children in foster care were the following:

- Weekly visits - 10 cases
- Twice a month visits - 1 case
- Monthly visits - 4 cases
- Less than monthly visits - 14 cases

There were 9 cases in which reviewers determined that visits between caseworkers and children did not focus on issues pertinent to case planning, service delivery, and goal attainment.

This item was rated as a Strength when reviewers determined that the frequency and quality of visits between workers and children were sufficient to ensure adequate monitoring of the child's safety and well-being and promote attainment of case goals. Reviewers noted that contracted providers for the in-home services cases tended to maintain intensive contact with children in their caseloads. Also, in one site, 11 of the 12 cases were assigned a rating of Strength for this item.

Cases were rated as an Area Needing Improvement when reviewers determined that the frequency of visits was not sufficient to meet the child's needs and/or monitor the child's safety. Eleven of the 12 cases rated as Area Needing Improvement for this item were foster care cases.

Reviewers and stakeholders noted that the State policy governing the frequency of contacts with children in foster care requires a minimum face-to-face contact once every three months, which may not be sufficient to monitor children's safety and ensure their well being.

Determination and Discussion: Item 19 was assigned an overall rating of Area Needing Improvement because in 24 percent of the cases, reviewers determined that the frequency of caseworker visits with children was not sufficient to ensure adequate monitoring of the child's safety and well-being or to promote attainment of case goals.

According to the Statewide Assessment, State policy requires that social workers maintain frequent contact with the child and foster care provider as agreed upon by the social worker, supervisor, and foster care provider. The worker supervising the child's placement should have regular face-to-face visits with the foster care provider and the child. At a minimum, these visits should occur quarterly, unless an exception is granted by the supervisor. On a case by case basis, the treatment plan delineates how often contacts are to occur. The Statewide Assessment notes that, in dealing with an insufficient number of staff to visit children as often as best practice would mandate, CFSD must take a different approach to ensuring their safety is monitored. Depending on the level of risk to the child, the treatment plan requirements may include such things as: visits with therapists, contacts with school personnel, provision for respite, day care, Head Start, contracted in-home visits, and visitations supervised by case aides.

Item 20. Worker visits with parents

☐ Strength ☒ Area Needing Improvement

Review Findings: An assessment of item 20 was applicable for 42 of the 49 applicable cases. Cases that were considered not applicable for an assessment of this item were those in which (1) parental rights had been terminated and the parents were no longer

involved in planning for the child; or (2) the parents could not be located despite diligent efforts by CFSD. Reviewers were to assess whether the caseworker had sufficient face-to-face contact with mothers and fathers to promote attainment of their children's permanency goal and to ensure their children's safety and well-being. The results of this assessment were the following:

- Item 20 was rated as a Strength in 34 (81%) of the 42 applicable cases (15 of which were foster care cases).
- Item 20 was rated as an Area Needing Improvement in 8 (19%) of the 42 applicable cases (7 of which were foster care cases).

Specific findings regarding visits for the 42 cases for which contact with mothers was applicable were the following:

- Mothers were visited once a week in 17 cases.
- Mothers were visited twice a month in 6 cases.
- Mothers were visited once a month in 8 cases.
- Mothers were visited less frequently than once a month in 11 cases.

Reviewers determined that in five cases, visits with mother did not routinely focus on issue pertinent to case planning, service delivery, and goal attainment.

Specific findings regarding visits for the 32 cases for which contact with fathers was applicable were the following:

- Fathers were visited once a week in 8 cases.
- Fathers were visited twice a month in 3 cases.
- Fathers were visited once a month in 5 cases.
- Fathers were visited less frequently than once a month in 14 cases.
- Fathers received no visits in 2 cases.

Reviewers determined that in five cases, visits with father did not focus on issue pertinent to case planning, service delivery, and goal attainment.

Cases were rated as a Strength when reviewers determined that visits were sufficiently frequent to address the parents' needs for visits and focused on issues pertaining to case planning, service delivery, and goal attainment. Cases were rated as an Area Needing Improvement when reviewers determined one or more of the following:

- Visits were not sufficiently frequent to meet the needs of parents and children (7 cases).
- Visits did not focus on substantive issues pertaining to the case (2 cases).
- CFSD made no attempts to contact father (1 case).

Stakeholders commenting on this issue reported that there are frequent contacts between contract providers and parents, but that the contact between the CFSD social worker and the parents is not as frequent or consistent.

Determination and Discussion: This item was assigned an overall rating of Area Needing Improvement because in 19 percent of the cases, reviewers determined that visits with parents were not sufficiently frequent or of sufficient quality to promote the safety and well-being of the child or enhance attainment of the child’s permanency goals. The Statewide Assessment notes that there are no uniform policies governing the frequency of visits between caseworkers and parents. Instead, this is determined on a case-by-case basis and included in the case plan. According to the Statewide Assessment, many contacts are made by telephone, rather than face to face, due to social workers’ workloads and to the rural nature of Montana, where travel to and from the visit often takes more time than the visit itself. The Statewide Assessment acknowledges the value of face-to-face contact, but indicates that it is not possible without additional staff.

Well-Being Outcome 2

Outcome WB2: Children receive appropriate services to meet their educational needs.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Cascade	Lewis & Clark	Yellowstone	Total Number	Total Percentage
Substantially Achieved:	7	8	18	33	91.7
Partially Achieved:	0	0	1	1	2.8
Not Achieved or Addressed:	2	0	0	2	5.5
Not Applicable:	4	4	5	13	

STATUS OF WELL-BEING OUTCOME 2

Montana achieved substantial conformity with Well-Being Outcome 2 based on the finding that 91.7 percent of the cases reviewed were determined to have substantially achieved this outcome. This is more than the 90 percent required for substantial conformity.

The CFSR case review finding was that CFSD was generally effective in meeting the educational needs of the majority of the children in the cases reviewed.

The findings for the single item subsumed under this outcome are presented below.

Item 21. Educational needs of the child

☒ Strength ☐ Area Needing Improvement

Review Findings: An assessment of item 21 was applicable for 36 of the 49 cases reviewed. Cases that were not applicable for assessment were foster care cases in which the children were too young to be enrolled in school or preschool, or in-home services cases in which children did not have needs pertaining to education-related issues. In assessing this item, reviewers were to determine whether children's educational needs were appropriately assessed and whether services were provided to meet those needs. The results of this assessment were the following:

- Item 21 was rated as a Strength in 33 (92%) of the 36 applicable cases (22 of which were foster care cases).
- Item 21 was rated as an Area Needing Improvement in 3 (8%) of the 36 applicable cases (3 of which were foster care cases).

Foster care cases were rated as a Strength for this item when reviewers determined that there was evidence that CFSD had assessed the children's educational needs, provided services to meet those needs (if necessary), included school records in the case file, and provided school information to foster parents at the time of placement. In-home services cases were rated as a Strength for this item when reviewers determined that CFSD caseworkers had assessed potential education-related needs and assisted families in accessing services to meet those needs when relevant.

The three foster care cases were assigned a rating of Area Needing Improvement for this item because reviewers determined that an appropriate assessment of a child's education-related needs had not been conducted, and/or educational services were not provided for identified needs.

Stakeholders commenting on this issue expressed the opinion that CFSD workers and foster parents do a good job advocating for children's educational needs and that both attend Individual Educational Plan meetings.

Determination and Discussion: Item 21 was assigned an overall rating of Strength because in 92 percent of the cases, reviewers determined that the educational needs of children were effectively and appropriately addressed. According to the Statewide Assessment, CFSD social workers and in home service workers typically rely on the school system to identify particular educational needs of children. However, social workers, parents, or foster care providers may request a Child Study Team meeting to discuss concerns about the child's educational needs and an educational assessment may be provided by the school as necessary. When the child is in foster care, social workers actively participate in Child Study Teams (CST), Individual Educational Plans (IEP), and other educational meetings and advocate for the needs of the child. Foster Care Review Committees and Citizen Review Boards often include school personnel, as the educational needs of the child are discussed in these semi-annual meetings as well. In-home service workers may attend CSTs, IEPs, or other educational meetings to model advocacy and empowering behavior for the parent, as well as advocate for the specific needs of the child. Services provided with regard to the child's education by in-home workers are generally outlined in the contractor's Family Service Plans as approved by the Child and Family Services social worker.

Child Well-Being Outcome 3

Outcome WB3: Children receive adequate services to meet their physical and mental health needs.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Cascade	Lewis & Clark	Yellowstone	Total Number	Total Percentage
Substantially Achieved:	4	12	15	31	67.4
Partially Achieved:	4	0	6	10	21.7
Not Achieved or Addressed:	3	0	2	5	10.9
Not Applicable:	2	0	1	3	

STATUS OF WELL-BEING OUTCOME 3

Montana did not achieve substantial conformity with Well-Being Outcome 3. This determination was based on the finding that the outcome was rated as substantially achieved in 67.4 percent of the applicable cases, which is less than the 90 percent required for a determination of substantial conformity.

The CFSR found inconsistencies with regard to CFSD's efforts to meet the physical and mental health needs of children. Although in many cases, extensive efforts were made to meet children's physical and mental health needs, in other cases, there was a notable lack of effort, particularly with regard to mental health needs.

Findings pertaining to the specific items assessed under Well-Being Outcome 3 are presented and discussed below.

Item 22. Physical health of the child

___ Strength __X__ Area Needing Improvement

Review Findings: An assessment of item 22 was applicable for 41 of the 49 cases reviewed. Cases that were not applicable for this assessment were in-home services cases for which no physical health issues were identified. All cases involving children in foster

care were applicable for an assessment of item 22. In assessing this item, reviewers were to determine whether (1) children's physical health needs had been appropriately assessed, and (2) the services designed to meet those needs had been, or were being, provided. The findings of this assessment were the following:

- Item 22 was rated as a Strength in 34 (83%) of the 41 applicable cases (23 of which were foster care cases).
- Item 22 was rated an Area Needing Improvement in 7 (17%) of the 41 applicable cases (6 of which were foster care cases).

In general, cases were rated as a Strength when children's health needs were being routinely assessed and services provided as needed. Cases were rated as an Area Needing Improvement when reviewers determined the following:

- Children's health needs were not assessed (4 cases).
- Children did not receive needed physical health and/or dental care (3 cases).

Many stakeholders commenting on this issue expressed the opinion that children's medical needs are being met, but their dental needs are not. This was attributed to a lack of dental providers who will accept Medicaid throughout the State. Stakeholders also noted that access to specialists is not available in all areas of the State.

Determination and Discussion: Item 22 was assigned an overall rating of Area Needing Improvement based on the finding that in 17 percent of the applicable cases, reviewers determined that CFSD did not adequately address children's physical health needs. According to the Statewide Assessment, placing workers must obtain parental permission to access medical care on behalf of a child unless the State has been granted permanent legal custody. State policy requires that placing workers must request an initial determination of IV-E eligibility and apply for Medicaid for all children placed out of their homes. A medical exam and request for EPSDT screening, including well-child recommendations are required within 30 days after placement in order to establish any ongoing or future treatment needs. All EPSDT recommendations must be followed to ensure the health of the child. A child who has not had a dental examination within a year prior to placement shall have one within 90 days after placement. Re-examination for dental shall be done annually. EPSDT shall be done periodically according to the child's age and any identified health needs. Information on how frequently dental and health examinations occur is maintained only in individual case records and case plans. These plans are reviewed by CSW Supervisors and by foster care review committees, but no statewide data is maintained on whether the examinations take place.

Item 23. Mental health of the child

____ Strength __X__ Area Needing Improvement

Review Findings: An assessment of item 23 was applicable for 34 of the 49 cases reviewed. Cases that were not applicable were foster care cases in which the child was too young for an assessment of mental health needs, and in-home services cases in which the

children's mental health needs were not an issue. In assessing this item, reviewers were to determine whether (1) mental health needs had been appropriately assessed and, (2) services to address those needs had been offered or provided. The findings of this assessment were the following:

- Item 23 was rated as a Strength in 23 (68%) of the 34 applicable cases (16 of which were foster care cases).
- Item 23 was rated as an Area Needing Improvement in 11 (32%) of the 34 applicable cases (7 of which were foster care cases).

For the 34 applicable cases, reviewers noted that children's mental health needs were "significantly assessed" in 19 cases, "partially assessed" in 7 cases, and "not at all assessed" in 8 cases. Reviewers also reported that mental health services (when relevant) were "significantly met" for 18 cases, "partially met" for 5 cases, and "not at all" met for 8 cases. In three cases, the assessment indicated that no services were needed.

Cases were assigned a rating of Strength when reviewers determined that mental health needs were "significantly" assessed and the children's mental health services were "significantly" met, and in some cases, when they were partially met. The item was rated as an Area Needing Improvement when reviewers determined that assessments and services were provided partially or not at all. Some examples of cases rated as an Area Needing Improvement are the following:

- Children were in need of mental health services, such as counseling, but the agency did not provide it (4 cases).
- The agency did not assess for mental health needs when there was evidence that an assessment was needed (e.g., when children were witnesses to extreme domestic violence) (7 cases).

Stakeholders commenting on this issue expressed concern about the impact of recent budget cuts on mental health services. For example, Medicaid eligible children are no longer able to access outpatient mental health services unless the child has an SED diagnosis.

Determination and Discussion: Item 23 was assigned an overall rating of Area Needing Improvement because in 32 percent of the applicable cases, reviewers determined that CFSD did not adequately address children's mental health needs. Reviewers noted inconsistent practice, with some children getting thorough mental health assessments and some not being assessed at all. According to the Statewide Assessment, social workers arrange for assessments, evaluations, and therapy with clinicians who will best meet the needs of the child and who have demonstrated the skills required to meet the child's particular needs. Prior to removal of a child from the home, the investigation may include an assessment of the child's mental health needs. Social workers often transport the children to therapy sessions, and may be involved in sessions if requested. The adequacy of services that the child receives is dependent on the strength of the mental health system in that community. The challenge for social workers is to locate therapists in the proximity of the child's placement who accept Montana Medicaid and can provide the services required to meet the child's needs. The lack of resources, combined with the gaps within the continuum of care, compromise the integrity of the treatment the child receives.

SECTION 2: SYSTEMIC FACTORS

IV. STATEWIDE INFORMATION SYSTEM

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2	3	4X

STATUS OF STATEWIDE INFORMATION SYSTEM

Montana is in conformity with the factor of Statewide Information system. Findings pertaining to the item assessed for this factor are provided below.

Item 24. State is operating a Statewide information system that, at a minimum, can readily identify the status, demographic characteristics, location, and goals for the placement of every child who is (or within the immediately preceding 12 months, has been) in foster care.

 X Strength Area Needing Improvement

Item 24 was rated as a Strength because the State has the automated capacity to track the required information on children in foster care, such as their status, demographic characteristics, location, and goals.

As noted in the Statewide Assessment, Montana implemented its Statewide Automated Child Welfare Information System (SACWIS) in 1996. The mainframe information system is called CAPS (Child and Adult Protection System). CAPS is considered to be the official case record of the child protection services provided by the CFSD. Intake information, assessment/investigation results, person information, contacts, services provided, court history, paid and non-paid placements, and payment information must be recorded on CAPS. A case file in the local office containing documents from contracted providers, service providers, correspondence, court orders, etc. may contain supporting documentation. CAPS records are routinely updated and must be completed before closure.

Stakeholders commenting on this issue expressed favorable opinions regarding CAPS. They noted that the system is easily accessible through remote access after hours and on weekends, that it generates helpful reports used by managers and administrators, and that you can access information on all children in foster care, including locations, goals, and treatment plans. Several stakeholders reported that enhancements are being made to CAPS to ensure more accurate data, particularly with regard to repeat maltreatment. Stakeholders also noted that all CFSD staff receive a week of training on CAPS and report that the training is helpful.

According to stakeholders, CAPS can identify the names, status, location, and goals of all children in foster care and the system meets the needs of staff in their day to day activities. Stakeholders reported that tribal social services agencies have access to CAPS.

Despite the general praise, however, several stakeholders suggested that CAPS is more likely to maintain accurate information on children in foster care when providers receive fee-for-service payments than when providers receive block payments. A few stakeholders suggested that the system is time-consuming and not user friendly. One concern noted was that there are too many screens and they are difficult to navigate if the user does not have significant computer knowledge.

V. CASE REVIEW SYSTEM

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2X	3	4

Status of Case Review System

Montana is not in substantial conformity with the factor of case review system. Findings pertaining to the items assessed for this factor are provided below.

Item 25. Provides a process that ensures that each child has a written case plan to be developed jointly with the child's parent(s) that includes the required provisions.

____ Strength __X__ Area Needing Improvement

Item 25 was rated as an Area Needing Improvement because stakeholder comments regarding inconsistencies with respect to family involvement in case planning are supported by the case review findings.

According to the Statewide Assessment, CFSD policy requires that a case plan be developed within 60 days of placement for any child who is placed in foster care. Case plans are to be developed jointly with the parent(s) or guardian(s) of a child in foster care and are to be updated whenever a change in the plan occurs, but no less frequently than every 6 months. Case plans are reviewed by a Foster Care Review Committee (FCRC), a Citizen Review Board (CRB) or a court at least every 6 months. In addition to the case plan, a treatment plan must be developed in cases where CFSD will be involved with a family for an extended period of time. The treatment plan is a written agreement between the parents or guardians of the child and CFSD. The treatment plan describes the actions that must be taken to resolve the conduct or condition of the parent or guardian that resulted in the need for protective services for the child. CFSD policy states that a treatment plan should be developed in conjunction with the parents or guardians of the child. The plan provides direction to the parents and clarification of the State's expectations. The court may order a treatment plan if the parents or guardians admit the allegations of an abuse and neglect petition; the parents or guardians stipulate to the allegations of abuse or neglect; or the court has made an adjudication that the child is a youth in need of care. The case plan and treatment plan provide a record for the court and the social worker as to the progress that is being made in a case.

Stakeholders commenting on this issue expressed the opinion that all children in out of home care have a case plan and that the case plans are developed in a timely manner. A few stakeholders expressed concern that having two separate plans – a case plan and a treatment plan – results in a disjointed planning process. It appears that the case plan is designed to meet Federal requirements, while the treatment plan actually determines the direction of the case activities and outcomes for children and families. However, it is not clear how the two plans are integrated.

Although some stakeholders reported that parents are involved in the case planning process, other stakeholders suggested that family involvement occurred primarily when the family participated in a FGDM meeting. If a family did not participate in FGDM, there was less involvement in the case planning process. These stakeholder comments regarding the inconsistencies with respect to family involvement in case planning are supported by findings of the case reviews. Of the 27 foster care cases applicable for an assessment of family involvement in case planning, 13 cases were rated as a Strength and 14 were rated as an Area Needing Improvement.

Item 26. Provides a process for the periodic review of the status of each child, no less frequently than once every 6 months, either by a court or by administrative review.

☐ Strength ☒ Area Needing Improvement

Item 26 was rated as an Area Needing Improvement because the findings of the review indicate that at times periodic reviews are perfunctory in nature and are not consistently occurring for all youth in long-term foster care.

As noted in the Statewide Assessment, the requirement for foster care review is generally met by the State through the use of administrative review. By statute, the review must comply with the requirements of the Adoption and Safe Families Act (ASFA). Before 1993, all foster care reviews across the State were conducted by Foster Care Review Committees (FCRC). The District Court Judge, in conjunction with the Department, appoints members to the local FCRC. During the 1993 Legislative Session, the legislature established a pilot foster care review system to be administered by the Office of the Supreme Court. The review boards under the pilot were called Citizen Review Boards (CRB). In 2001, legislation was proposed which would have required full implementation of the Citizen Review Board model statewide, however the cost associated with the proposal was prohibitive and the legislation did not pass. As a result, since 1993, the State has had two different processes for conducting administrative reviews. In some judicial districts there are Foster Care Review Committees (FCRC) and in other Judicial Districts there are Citizen Review Boards (CRB).

Stakeholders commenting on this issue reported that reviews are being conducted at least every 6 months either by the FCRCs or by the CRBs. Two of the sites included in the on-site review had CRB reviews and one site had FCRC reviews. Stakeholders noted that judges receive reports from both review entities and generally agree with their recommendations. In addition, both review entities focus on issues regarding education, mental health concerns, and physical/dental health concerns.

Stakeholders in one site identified a concern that the CRB is not reviewing cases of youth in long-term foster care. In addition, stakeholders at a site which utilizes FCRC reviews expressed concerns about the quality of the FCRC reviews. They described these reviews as being completed in 5 to 10 minutes and as mostly “perfunctory.” They also reported that foster parents and other caregivers rarely attend because the reviews are so brief that they are perceived as meaningless and as a “waste of time”. In contrast, CRB reviews were described as being longer and more intense.

Item 27. Provides a process that ensures that each child in foster care under the supervision of the State has a permanency hearing in a qualified court or administrative body no later than 12 months from the date the child entered foster care and no less frequently than every 12 months thereafter.

☐ Strength ☒ Area Needing Improvement

Item 27 was rated as an Area Needing Improvement because stakeholders indicated that court adherence to timely permanency hearings is inconsistent throughout the State.

According to the Statewide Assessment, Montana statute requires that a permanency hearing be held within 30 days of a determination that reasonable efforts to provide preservation or reunification services are not necessary; not later than 12 months after an initial court finding that the child has been subjected to abuse and neglect or 12 months after the child's first 60 days of removal from the home, whichever comes first; and within 12 months of the initial hearing and every 12 months thereafter until the child is permanently placed. During the permanency hearing, the court is to make a finding as to whether CFSD has made reasonable efforts to finalize the permanency plan for the child.

As noted in the Statewide Assessment, there are no State data indicating the level of compliance with permanency hearings. Stakeholders interviewed as part of developing the Statewide Assessment expressed the opinion that compliance is inconsistent across the State and that not all judges and county attorneys have been "sold" on the purpose of the hearing.

Stakeholders in two of the sites included in the CFSR on-site review voiced concern that permanency hearings are not held in a timely manner. A few stakeholders in these sites noted that for some cases, a permanency hearing will not be held for as long as 18 months from the prior hearing or from the adjudication. Some stakeholders reported that permanency hearings are held only if TPR is the plan. Also, hearings may be set multiple times before the case is actually heard in court because of continuances and court dockets. Several stakeholders suggested that the time set aside for the hearing frequently is not sufficient.

In the third site included in the on-site review, stakeholders reported that the county attorney's office ensures that all children are scheduled for a permanency hearing at 12 months and 12 months thereafter. This is consistent with the opinion of State-level stakeholders that there are inconsistencies throughout the State with regard to court adherence and county attorney activities pertaining to permanency hearings.

Item 28. Provides a process for termination of parental rights proceedings in accordance with the provisions of the Adoption and Safe Families Act.

 X Strength Area Needing Improvement

Item 28 was rated as a Strength because the State has a process for termination of parental rights proceedings that is in accordance with the provisions of ASFA.

According to the Statewide Assessment, Montana's Child Abuse and Neglect statute and CFSD policies require compliance with the ASFA requirement that, if the child has been in care for 15 of the most recent 22 months, a petition to terminate the parent-child legal relationship must be filed absent one of the exceptions for filing the petition. When the social worker determines that the petition is in

the child's best interests and that there are no compelling reasons for not filing a TPR petition, the social worker will ask the county attorney to file a TPR petition. The Statewide Assessment notes that these decisions are made in timely manner in the majority of cases.

As noted in the Statewide Assessment, CFSD developed a report generated by the automated system that tracks children in order to meet the ASFA requirement. One report identifies the children who have been in care for 15 of the most recent 22 months. This report is submitted to the social work supervisors and the district court judges. The reports are distributed to each judicial division to help them anticipate the number of petitions for termination of parental rights that will come before them.

The Statewide Assessment notes that the effect of the TPR requirement on the permanency outcomes of children is negligible. An analysis of the termination cases appealed to the Montana Supreme Court and decided during 2001 indicates that the length of time from filing the TPR petition to the date the district court issues the TPR order varies from 2 to 16 months.

Stakeholders commenting on this issue were in general agreement that TPR is being filed in a timely manner. The agency follows ASFA guidelines in filing and most local judges are willing to proceed with a TPR hearing. In addition, use of exceptions and compelling reasons are documented. This is consistent with case review findings that for the 19 children who had been in foster care for 15 of the most recent 22 months, the agency had filed TPR for 16 children and compelling reasons for not filing were found in the case files for two of the three children for whom a TPR had not been filed.

However, stakeholders also noted that there are delays in TPR hearings and many go on appeal to the Montana Supreme Court. Stakeholders noted that it can take as long as 2 years to get a Supreme Court decision.

Item 29. Provides a process for foster parents, preadoptive parents, and relative caregivers of children in foster care to be notified of, and have an opportunity to be heard in, any review or hearing held with respect to the child.

☒ Strength ☐ Area Needing Improvement

Item 29 is rated as a Strength because the State has a requirement in statute and a process in place to ensure that foster parents, pre-adoptive parents, and relative caregivers of children in foster care are notified of and have an opportunity to be heard in any review or hearing held with respect to the child.

According to the Statewide Assessment, the process for notifying foster parents, pre-adoptive parents, and relative caregivers of reviews and inviting them to participate differs depending upon whether it is a FCRC process, a CRB process, or a court hearing. For the FCRC process, a CAPS alert goes to the primary social worker 45 days prior to the date that a review is due. It is the responsibility of the Community Social Worker Supervisor (CSWS) to ensure that the appropriate parties, including the foster parents, pre-adoptive parents or kinship providers are invited to the review. These parties are to be sent a written invitation 10 days prior to the scheduled review.

The CRB is operated by the Office of the Supreme Court Administrator. The CRB coordinator is responsible for notifying all appropriate parties of the review and inviting them to participate. All parties are sent a written letter of invitation prior to the scheduled review. By statute, the written notice must include a statement that persons receiving notice may participate in the review and may be accompanied by a representative.

By statute, the attorney filing the petition (usually the county attorney) is responsible for providing notice of court hearings to foster parents, pre-adoptive parents, and kinship providers. The Statewide Assessment noted, however, that caregivers may not be receiving notice of court hearings and when they do, they may not be allowed to attend the hearing or to participate in it. As noted in the Statewide Assessment, stakeholders interviewed as part of the State's self assessment process noted that foster parents, pre-adoptive parents, and kinship providers were more likely to attend and participate in FCRC or CRB reviews than in court hearings.

Stakeholders interviewed as part of the on-site review process expressed different opinions regarding participation in FCRC and CRB reviews and court hearings. In the county in which FCRC hearings were held, stakeholders noted that foster parents and other caregivers receive notice of the reviews, but rarely attend because the reviews are so brief that they are perceived as meaningless and as a "waste of time." In the two counties in which CRB reviews are held, stakeholders reported that foster parents and other caretakers were routinely invited to participate in the reviews. In one of these counties, they were reported to attend the reviews fairly frequently, but in the other county it was noted that caregivers did not attend the reviews consistently.

With regard to court hearings, stakeholders in all sites were in general agreement that foster parents are less likely to participate in hearings than in reviews, and in two sites, stakeholders indicated that foster parents do not always get notice of court hearings. State stakeholders reported that in at least one jurisdiction in the State, the county attorney does not provide notification of judicial hearings due to confidentiality concerns.

VI. QUALITY ASSURANCE SYSTEM

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2X	3	4

STATUS OF QUALITY ASSURANCE SYSTEM

Montana is not in compliance with the factor of quality assurance system. Findings pertaining to the items assessed for this factor are provided below.

Item 30. The State has developed and implemented standards to ensure that children in foster care are provided quality services that protect the safety and health of the children.

___ Strength ___X___ Area Needing Improvement

Item 30 was rated as an Area Needing Improvement because while CFSD has standards for providing services to children in foster care in State statute and in division policy manual, stakeholders commenting on this issue identified a concern that the requirement regarding workers making face-to-face contact with children in foster care only once a quarter poses a safety issue for children. Also, there were situations in which foster home capacity was exceeded because of a lack of foster homes. This waiver of standards presented some concerns that these practices presented risks to the safety of some children in foster care.

According to the Statewide Assessment, the CFSD standards for providing services for children in foster care are contained in State statute and Division policy. These standards are established, reviewed, and monitored by CFSD. CFSD's policies and standards are contained in the comprehensive policy manuals that detail the policy standards and supervision of out-of-home placements and decision-making regarding those placements. The policies outline the service delivery and continuum related to out-of-home placement and care. They are updated as best practice or as Federal and State legislative requirements change. All staff members receive policy manuals and annual training on new policies and procedures.

Stakeholders commenting on this issue expressed the opinion that the State has a number of safety related standards, primarily regarding licensure requirements for foster care families and group homes. However, several stakeholders suggested that the fact that workers are required to have face-to-face contact with children in foster care only once a quarter poses a safety issue for children. In addition, several stakeholders reported that foster homes often have placements beyond their original licensing capacity. Thus, the

review suggests that the State has established safety and health standards regarding services for children in foster care but individual case practices have compromised the consistent quality of those services at times.

Item 31. The State is operating an identifiable quality assurance system that is in place in the jurisdictions where the services included in the CFSP are provided, evaluates the quality of services, identifies strengths and needs of the service delivery system, provides relevant reports, and evaluates program improvement measures implemented.

☐ Strength ☒ Area Needing Improvement

Item 31 is rated as an Area Needing Improvement because both the Statewide Assessment and stakeholders noted that a comprehensive, statewide quality assurance system is lacking.

As noted in the Statewide Assessment, CFSD acknowledges the need for a formal quality assurance program. All jurisdictions within the State are subject to the same requirements; therefore, a quality assurance program based in the State office would be optimal to assure consistency in quality assurance activities. At the present time, CFSD's capacity to evaluate the adequacy and quality of the system on a statewide basis is limited. However, CFSD's capacity to produce information leading to program improvements has been enhanced by the statewide automated system and CFSD's Management Team uses data from the system to make program decisions.

Currently, quality assurance activities occur at both the State and the local level with the primary activities occurring at the local level. At the State level, the primary QA process is contract monitoring. According to the Statewide Assessment, CFSD contract monitoring has been very effective in helping to ensure safety of children served in jurisdictions throughout the State although the limited resources appropriated for this activity affect the number of programs reviewed. Based on this monitoring process, trends and issues are regularly presented to the CFSD Management Team and addressed accordingly. Contract monitors review contract language annually and make recommendations on amendments to the language as necessary.

Stakeholders commenting on this issue noted that a comprehensive, statewide, quality assurance system does not exist. In addition, the contract monitoring process, which is the primary QA process in operation, is underfunded, allowing for only 2 full-time equivalent contract monitors for the State. Stakeholders suggested that this was a critical issue because there is a need for contract providers to be accountable for the services they are supposed to provide.

At the case practice level, stakeholders and reviewers noted that there are no apparent policy or practice guidelines for documentation of case activities. In fact, during the case review process, reviewers in two of the three sites expressed concern about the number of cases for which there was a critical absence of documentation of case activities in the case files. At the local level, stakeholders noted

that supervises regularly meet with staff to review cases and quality of care issues. However, it is not clear whether the issue of documentation is addressed in the supervisory reviews.

VII. TRAINING

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2	3	4X

STATUS OF TRAINING

Montana is in substantial conformity with the factor of training. Findings pertaining to the items assessed for this systemic factor are provided below.

Item 32. The State is operating a staff development and training program that supports the goals and objectives in the CFSP, addresses services provided under titles IV-B and IV-E, and provides initial training for all staff who deliver these services.

 X Strength Area Needing Improvement

Item 32 was rated as a Strength because the State provides a comprehensive initial training program for all staff.

According to the Statewide Assessment, CFSD provides initial training to staff in the following ways:

- **New Worker Orientation Packet.** This packet is provided to all child protection social worker supervisors. Use of the packet was begun in 1999. The packet was updated in December 2001, and was made mandatory in January 1 2002. This packet contains a list of specified sections from the CPS Policy Manual and Montana statutes that the new worker is required to read and review with the supervisor. It requires that the new worker must accompany an experienced worker on no fewer than 3 investigations, interviews, or family visits and that the supervisor or designee must accompany the new worker on no fewer than 2 investigations, interviews or family visits. The packet contains a list of topics that the Supervisor must discuss with the new worker. Some examples are the Code of Ethics, confidentiality law and reviewing sample affidavits, case plans, and Family

Group Decision Making meeting notes. The packet lists books, booklets and manuals that the new worker must be given and states that the Supervisor must meet weekly with the new worker during the first 6 weeks of employment. A total of 12 hours training time is allotted for the completion of the packet. New CPS workers and their Supervisors must complete these requirements before the new worker is given sole responsibility for a caseload.

- **Montana Child Abuse and Neglect (MCAN) training.** All CFSD staff who work with children and families are to attend and complete this training as soon as it is offered after they are hired. Administrative support staff attend at the discretion of their supervisors. MCAN is presented quarterly and Tribal Social Services and Bureau of Indian Affairs staff from Montana's seven reservations, CASA/GAL volunteers, Citizen Review Board volunteers, Foster Care Review Committee members and foster parents are invited to attend. Each MCAN session is 2 weeks long, comprising a total of 64 training hours. The 2 weeks of training are separated by 2 to 3 weeks to enable the new workers to be in their local offices between training sessions. In 2000, 48 Division staff, 4 Tribal staff and 4 "others" participated in MCAN. In 2001, 52 Division staff, 7 Tribal staff and 10 "others" attended MCAN. CASAs, CRB members, and University of Montana social work students comprise most of the "other" category.
- **Child Adult Protection System (CAPS) training.** This training focuses on use of CFSD's official case information recording and provider-payment system. The initial CAPS training is required for all Division employees. CAPS training for new employees, which is offered monthly, is 32 hours in duration. All CAPS training is provided through contract. In 2000, 78 Division staff and 18 Tribal staff participated in CAPS training. In 2001, 145 Division staff and 30 Tribal staff received the training. In December 2001, 35 Division staff received CAPS training in preparation for the Centralized Intake program.
- **Policy Training.** This training is required for all CPS-related staff in CFSD. It is presented annually in each of the five Regions. New policy is emphasized and continuing policy is reviewed. The training consists of 12 hours in each region.

Stakeholders commenting on this issue were in general agreement that the initial training offered to caseworkers and supervisors was adequate and prepared them for their jobs. Stakeholders also noted that engagement skills have been built in to the MCAN and Family Group Decision Making training and that Tribal representatives provide the cultural sensitivity segment of MCAN training. A few stakeholders suggested that foster parents are taught certain approaches to working with CFSD staff that agency staff is not taught in any of their training venues and that this has created some conflict between foster parents and social workers. Stakeholders suggested that new workers should attend foster parent training to improve the working relationship between foster parents and workers.

Item 33. The State provides for ongoing training for staff that addresses the skills and knowledge base needed to carry out their duties with regard to the services included in the CFSP.

 X Strength Area Needing Improvement

This item was rated as a Strength because a variety of ongoing training opportunities are made available to staff.

According to the Statewide Assessment, there are several ongoing training opportunities and venues, although CFSD does not mandate participation in ongoing training. Participation must be recommended and approved by the immediate supervisor.

Available opportunities include the following:

- A 24-hour CAPS Refresher class that is offered approximately three times each year, as is CAPS training for licensing staff.
- Centralized Intake (CI), Montana's new statewide toll-free child abuse hotline unit, was implemented on January 1, 2002. The CI staff-training curriculum will be used to train new CI workers as they are hired.
- Family Resource Specialists (FRS) receive 12 hours of FRS-focused training annually. This training includes licensing, foster care and permanency policy, guardianship, quality assurance, new foster and adoptive family training curricula, and current methods of working with abused and neglected children in care. In 2000, 46 persons attended this training. In 2001, a total of 68 persons attended. Division staff, tribal social services and private agency staff are included in the totals.
- Administrative Support Staff training is offered annually. Topics have included supervising clients' visits, gender communication, working with difficult people, Native American Indian cultures, stress management and children's developmental stages. This training is not mandatory. Approximately 25 staff members attend each year.
- Forensic Interviewing of Children training was begun in 2000 and continued in 2001. It is scheduled again in 2002. Social workers, supervisors and law enforcement officers who interview children are invited to this training. The 15 hours of training is presented in three locations around Montana. It includes training and practice in interviewing children, adolescents, developmentally-delayed persons, designing questions and observation of correct interviewing techniques. A total of 70 persons attended the three sessions in 2000, including 62 Division staff, 3 tribal staff and 5 law enforcement officers. In 2001, 55 Division staff and 34 law enforcement officers attended. The Bureau of Indian Affairs (BIA) presented forensic interviewing training for tribal and BIA social services staff.
- Family Group Decision Making (FGDM) training has been presented at MCAN and by FGDM coordinators to their local offices beginning in 2000. In October 2001, CFSD requested and received Resource Center training and assistance. It was presented by American Humane Association and focused on skill development for CFSD's FGDM coordinators and social workers that facilitate FGDM meetings. The training was 16 hours long and was attended by 37 Division staff and 2 tribal staff. As part of the technical assistance, American Humane developed a training curriculum to train Division social workers to facilitate FGDM meetings. This one-day training was offered in May 2002.
- Conferences: Each year CFSD hosts, co-hosts, or funds three training conferences. The Child Abuse and Neglect Conference is held each April. Division and tribal staff, foster and adoptive parents, attorneys, judges, therapists, CASA and CRB volunteers and family-based services home visitors attend. The attendance ranges between 250 and 300 persons. Continuing education credits are given for this two and one-half day conference. The Indian Child Welfare Conference is held in October each year. Representatives from several of Montana's reservations and private non-profit agencies work with CFSD to present this two-day conference. Native American Indians who work with tribal social services or tribal courts, foster parents, Division staff, providers

and staff from other agencies attend. Approximately 40 Division staff attended the 2001 Conference. Several cultural and spiritual presentations are provided as well as breakout sessions.

- Master of Social Work (MSW) and Bachelor of Social work (BSW): The Walla Walla College, Department of Social Work and the University of Montana Department of Social Work currently partner with CFSD to provide a IV-E stipend for CFSD employees who wish to participate in a MSW degree program. CFSD partners with the University of Montana Social Work Department to provide a IV-E stipend to selected BSW students. A total of 20 CFSD employees will complete their MSW through this stipend program by June 2002. Currently three students have graduated in the BSW stipend program with four more scheduled to graduate before September 2002.
- Training by Social Worker Supervisors is frequently incorporated into meetings with social worker staff. Training delivered in 2001 included policy, statutes, new legislation, interviewing skills, worker safety, infectious diseases, drug, compassion fatigue, ASFA, working with high-risk families, working with sex offenders, building skills for adulthood, permanency, concurrent planning, FGDM, confidentiality, treatment plan development, affidavit development, working with resistant clients and working with birth families.
- Training Libraries are available to staff and foster and adoptive parents. These libraries include books, videos, booklets and selected articles. A list of resources available in the Central Office Library is updated quarterly and sent to all Division staff. Central office staff will mail resource material as requested by staff or foster and adoptive parents.
- CFSD's IV-E Program Officer as requested by the tribes presents IV-E Eligibility Training to tribal social services. E-mail and the Internet are used to send articles on best practice to field staff.

Stakeholders noted that the agency offers multiple opportunities for ongoing training and that a 6-month training calendar is distributed to the local CFSD offices, Tribes and contractors. Some stakeholders, however, suggested that accessing ongoing training is dependent on workers or supervisors identifying and pursuing training opportunities and that often, ongoing training is not accessed because of workload demands. Travel time was identified as another barrier to attending some training.

Stakeholders also noted that CFSD is developing a training focused on strengthening documentation in the case files. Other identified training needs included training on permanency, cultural issues, engaging families in case planning, drug awareness, report writing, working with angry/hostile clients, and accessing community resources. Stakeholders suggested that ongoing training for supervisors and CPS workers could be strengthened.

Item 34. The State provides training for current or prospective foster parents, adoptive parents, and staff of State licensed or approved facilities that care for children receiving foster care or adoption assistance under title IV-E that addresses the skills and knowledge base needed to carry out their duties with regard to foster and adopted

children.

☒ Strength ☐ Area Needing Improvement

This item was rated as a Strength because the State provides training for current and prospective foster parents, adoptive parents, and staff of State licensed or approved facilities that care for children receiving foster care or adoption assistance under title IV-E. The training addresses the skills and the knowledge base needed to carry out their duties with regard to foster and adopted children.

According to the Statewide Assessment, the pre-service training curriculum for foster and adoptive parents and providers changed significantly in 2000. From January to August 2000, the PRIDE curriculum, developed by the Child Welfare League of America, was used for training foster and adoptive parents. After an in-depth evaluation by a task force, a new curriculum was developed to fit the distinctive dynamics of Montana. The task force was composed of foster and adoptive parents and providers, the Child and Family Services Training Bureau, Family Resource Specialists, Permanency Specialists, and Program Officers. As a result of this task force, a new curriculum, "Keeping Children Safe," was developed and has been used since August 2000. All foster and adoptive parents now participate in this training prior to licensure or approval.

The training includes an orientation prior to licensure and at least 15 hours of training annually for re-licensure. The training must include the following topics:

- separation and grieving;
- alternatives to physical discipline and a definition of CFSD's policy on physical discipline;
- CFSD and foster parents' roles and responsibilities;
- biological family rights and responsibilities;
- how and why children come into foster care;
- types and behaviors of children in care;
- placement process;
- confidentiality;
- sexual abuse;
- drugs and alcohol; and
- foster parent insurance.

In addition to this training, the Montana Foster Adoptive Parent Association Training Conference is held annually in October. It is planned and coordinated by the Foster Adoptive Parent Association with funding and technical support provided by CFSD. Foster and adoptive families, other providers, and CFSD staff attend this conference. Training is focused on foster and adoptive family needs and

has included sessions on kinship care, transition issues, separation and loss, cultural awareness, independent living, and working and living with attachment disordered children.

Some stakeholders commenting on this issue expressed concern as to whether the pre-service training adequately prepared families to foster or adopt, and suggested that the training was not of sufficient duration. Other stakeholders suggested that the training was adequate and that a longer training would make recruitment difficult. A few stakeholders reported that the training is not provided with consistent frequency in all areas of the State.

VIII. SERVICE ARRAY

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2	3X	4

STATUS OF SERVICE ARRAY

Montana is in substantial conformity with the factor of service array. Findings pertaining to the items assessed for this factor are provided below.

Item 35. The State has in place an array of services that assess the strengths and needs of children and families and determine other service needs, address the needs of families in addition to individual children in order to create a safe home environment, enable children to remain safely with their parents when reasonable, and help children in foster and adoptive placements achieve permanency.

 X Strength Area Needing Improvement

Item 35 is rated as a Strength because there is a broad array of services available to families and children in the State in order to create a safe home environment, enable children to remain safely with their parents when reasonable, and help children in foster and adoptive placements achieve permanency.

According to the Statewide Assessment, there is a wide array of services available to help a family work toward a safe reunification. These include, but are not limited to

- in-home services;
- intensive visitation;
- short-term services, such as transportation, day care, respite, house cleaning, anger management, etc.;
- court-ordered treatment plans;
- services provided by mental health therapists;
- in-home therapy mental health case management;
- psychological, neurological, or sex offender evaluations;
- referrals for employment and housing resources;
- parenting classes;
- domestic violence advocacy;
- mother/baby services; and
- chemical dependency services.

In addition, current practice encourages a FGDM meeting for all families with children at risk of abuse or neglect, unless family circumstances deem it inappropriate. This practice began as a pilot in 1997 and is currently offered statewide. The number of family meetings conducted has grown from 184 in 1998 to 684 in State fiscal year 2001.

In cases in which families receive services while children remain at home, CFSD provides services through contracted providers or through agency staff. Each year family preservation services are provided to approximately 1250 families (about 2400 – 2600 children). The Statewide Assessment also notes that another very promising practice, especially in areas where services are limited, has been mentoring. Mentoring of one family by another has been formalized in some areas and occurs in a less formal manner in others.

According to the Statewide Assessment, significant service gaps exist in the area of dental services (dental providers who will accept Medicaid), mental health services (including treatment for sexual offenders, seriously emotionally disturbed children, and dually diagnosed children), and appropriate out-of-home placements. With regard to the latter service need, the Statewide Assessment notes that placements are determined by the available resources rather than being driven by the needs of the child.

Stakeholders commenting on this issue were in general agreement that there is a broad array of services available to the families in all three of the counties included in the on-site review and throughout most areas of the State. They noted that substance abuse evaluation and treatment, wraparound services, parenting classes, and medical/pediatric services are readily available. Stakeholders reported that a significant new service being provided is the Family Drug Court, which is very treatment oriented. In addition,

existing private providers such as the Family Support Network and Mountain Peaks services, offer a wide range of services and case management supports. Stakeholders were in general agreement that service needs are being met with respect to services identified in treatment plans.

However, stakeholders did identify the following gaps in services.

- A lack of dental and orthodontic providers who will accept Medicaid.
- Foster homes for teenagers, medically fragile children, sibling groups, and Native American children.
- ILP services.
- Addiction treatment residential programs that will accept children with parents.
- Therapeutic foster homes for older children.
- Day care and transportation to help parents meet treatment plan requirements.
- Post-adoption supports and services.
- Mental health services for sexual offenders, young SED children and dually diagnosed children.

Item 36. The services in item 35 are accessible to families and children in all political jurisdictions covered in the State's CFSP.

____ Strength __X__ Area Needing Improvement

Item 36 is rated as an Area Needing Improvement because barriers to service delivery remain despite State efforts to address them, particularly with regard to therapeutic foster care.

As noted in the Statewide Assessment, barriers to service delivery exist, with the greatest barrier being geographic. Montana is a very large State, with a very small population (about 900,000 people statewide). Only seven cities have a population greater than 20,000. The remainder of the State is very rural and families often have to travel great distances to obtain needed services. Except in urban areas, public transportation is virtually non-existent. The position of Permanency Planning Specialist located in every region of the State is insurance that services are available statewide for children waiting for permanency. When homes are not available in their region, the child's information is circulated to all other regions and out of State. Family preservation services are offered throughout most of the State under contracts with private providers. Families are referred to the contractor for in-home visitation, parenting classes and other services, as needed. In 2002, the contractors were asked to also accept families working to be reunified.

Most stakeholders commenting on this issue noted that although the geography of the State makes service delivery challenging in some areas, the State has developed strategies for reaching as many people as possible. There is a use of telemedicine for psychiatric

evaluations, and paraprofessionals in specific fields of services are trained and used to provide services in rural communities so that families are able to get needed services. Stakeholders did note however, that therapeutic foster care, which is a service gap in most communities, is most difficult to find in rural areas.

Stakeholders also noted that although services are available, they may be more time-limited than most families need because Medicaid will only pay for a particular time period or units of service. Also, if families are not eligible for Medicaid, they may not be able to access services because of the costs. Finally, stakeholders voiced concern that recent budget cuts will affect in-home service contracts and key prevention and support services will be in jeopardy.

Item 37. The services in item 35 can be individualized to meet the unique needs of children and families served by the agency.

 X Strength Area Needing Improvement

This item is rated as a Strength because stakeholders noted that providers can offer flexible and individualized services.

Stakeholders commenting on this issue noted that both Family Support Network and Mountain Peaks provide extremely flexible, individualized services, and tailor programs to meet individual needs. The key concerns identified were (1) services provided by multiple providers often are not effectively coordinated, and (2) Medicaid limitations on the duration of some services impacts the ability to individualize services to meet family needs.

IX. AGENCY RESPONSIVENESS TO THE COMMUNITY

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2	3	4X

STATUS OF AGENCY RESPONSIVENESS TO THE COMMUNITY

Montana is in substantial conformity with the factor of agency responsiveness to the community. Findings pertaining to the items assessed for this factor are provided below.

Item 38. In implementing the provisions of the CFSP, the State engages in ongoing consultation with tribal representatives, consumers, service providers, foster care providers, the juvenile court, and other public and private child- and family-serving agencies and includes the major concerns of these representatives in the goals and objectives of the CFSP.

 X Strength Area Needing Improvement

Item 38 is rated as a Strength because the agency engages in consultation with the State Advisory Council, Local Service Advisory Councils, the Juvenile Justice Council, the Native American Advisory Council, other stakeholders, and internal staff in Division planning efforts.

According to the Statewide Assessment, during the self-assessment process, stakeholders were asked to rate CFSD on the effectiveness of stakeholder consultation. On a scale of 1 to 10, with 1 being least effective and 10 being most effective, a majority of the stakeholders involved in developing the State self-assessment rated CFSD at 7-8. The Statewide Assessment notes that stakeholders participating in the self-assessment reported that CFSD has made a genuine effort to reach beyond CFSD staff to service providers over the past few years and that this effort has improved the quality and effectiveness of stakeholder/CFSD collaboration.

Also noted in the Statewide Assessment, CFSD has implemented procedures to involve community stakeholders in planning. Preparatory to developing the legislative presentation from which the State plan is derived, CFSD hosts meetings with stakeholders and the public. In addition, CFSD meets with providers. For future planning, CFSD plans to institutionalize the procedure by which CFSD obtained input for the 2001 Legislative session and the 2001 annual progress report. In addition, for the past 4 years, the CFSD Management Team has been committed to relationship building with external community stakeholders. Most recently, this commitment included meeting with and obtaining input from external community stakeholders in preparation for the 2001 Legislative Sessions.

With regard to Tribal engagement, the Statewide Assessment reports that CFSD uses a variety of ways to obtain tribal input on agency planning. At least five of the local advisory councils have a tribal member who participates in planning at the local level. The Department has a Native American Advisory Council administered from the Director's Office. A member of this council services on CFSD's State Advisory Council. In addition, central office and regional staff engage in informal, ongoing communication with the social services staff of all seven Montana Indian reservations. Stakeholders reported that tribal input was utilized in the statewide assessment process associated with the CFSR. Stakeholders also reported that communication between the agency and the tribes has improved over the last two years and that the technical assistance provided by the agency in regards to IV-E agreements has been helpful. However, stakeholders also highlighted a need to continue strengthening government-to- government relationships between the agency and tribes.

Stakeholders at local levels commenting on this issue noted that there are concerted efforts on the part of local agencies to reach out and engage the community and that collaboration between the child welfare agency and local service providers is excellent. However, local stakeholders suggested that the relationships with the Tribes in the area needed to be strengthened, although there were some positive relationships with some tribes. Also, local stakeholders noted some adversarial relationships between the local agencies and CASAs or GALs.

Item 39. The agency develops, in consultation with these representatives, annual reports of progress and services delivered pursuant to the CFSP.

☒ Strength ☐ Area Needing Improvement

Item 39 is rated as a Strength because the State utilizes external input in the development of reports pursuant to the CFSP.

According to the Statewide Assessment, CFSD met with and obtained input from external community stakeholders in preparation for the 2001 Legislative Session. The modifications to the goals and objectives submitted in the 2001 annual progress report reflected input received during the planning progress and action taken by the 2001 Legislature.

Stakeholders commenting on this issue noted that CFSD develops annual reports of progress and services delivery in consultation with external stakeholders.

Item 40. The State's services under the CFSP are coordinated with services or benefits of other Federal or federally assisted programs serving the same population.

☒ Strength ☐ Area Needing Improvement

Item 40 is rated as a Strength because CFSD coordinates with other federally-assisted agencies and organizations.

According to the Statewide Assessment, CFSD currently coordinates services at the State level by working with other divisions within the Department and with other departments on an on-going basis. At the State level, CFSD staff members participate in provider meetings, serve on advisory councils, and meet with other providers of children's services regularly. Most of the coordination of

services for children occurs at the local level. At the local level, the social workers meet regularly with child protection teams, which include representatives from schools, courts, public health, mental health and/or juvenile probation, as is appropriate for the specific case. They also meet regularly with foster care review committees or citizen review boards, Guardians ad Litem or court-appointed special advocates and conduct case staffings within the local office. Social workers also have on-going contact with the out-of-home care provider when children are removed from their homes regarding the progress of individual children. In addition, social workers routinely refer families and children to services within the community such as mental health and in-home services and maintain contact with those service providers. The capacity of CFSD to coordinate services with other agencies is determined by the amount of staff time and resources available within each local community. The capacity of CFSD to coordinate services is also limited by the availability of services – a particular concern in rural areas of Montana.

Stakeholders commenting on this issue pointed to the Drug Court as a primary example of the coordinated efforts of a range of agencies and programs. In addition, stakeholders noted that the Multi-Agency Children's Services Committee is leading to interagency meetings and will lead to interagency staffings of individual cases of children with significant needs.

X. FOSTER AND ADOPTIVE PARENT LICENSING, RECRUITMENT, AND RETENTION

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2	3	4X

STATUS OF FOSTER AND ADOPTIVE PARENT LICENSING, RECRUITMENT, AND RETENTION

Montana is in substantial conformity with the factor of Foster and Adoptive Parent Licensing, Recruitment, and Retention. Findings pertaining to the items assessed for this factor are provided below.

Item 41. The State has implemented standards for foster family homes and child care institutions which are reasonably in accord with recommended national standards.

 X Strength Area Needing Improvement

Item 41 is rated as a Strength because CFSD has implemented the necessary standards for foster family homes and child care institutions.

According to the Statewide Assessment, Montana has effectively established and maintained standards for foster homes, adoptive homes and child care institutions in State statute, (Montana Code Annotated), rules (Administrative Rules of Montana) and policy. With the exception of adoptive homes which are approved, foster homes and child care institutions are licensed. Foster homes and child care institutions are included in a general licensing category of Youth Care Facilities. Approval of adoptive homes (for CFSD) and licensure of family foster homes (Youth Foster Homes and Therapeutic Youth Foster Homes) is the responsibility of CFSD. Licensure of child care institutions (Youth Group Homes, Therapeutic Youth Group Homes, Youth Shelter Care Facilities and Child Care Agencies, including Maternity Homes and Residential Treatment Centers) is the responsibility of the Quality Assurance Division (QAD). CFSD also licenses Child Placing Agencies, which are approved to conduct adoptive home studies and approve adoptive families and to conduct foster home studies and recommend licensure of foster homes. Licensure authority for foster homes is retained by the State.

Stakeholders commenting on this issue were in agreement that there are established standards for foster family homes and child care institutions that cover health, safety, sanitation, and other basic requirements. Stakeholders also noted that pre-service training is required for foster home licensure.

Item 42. The standards are applied to all licensed or approved foster family homes or child care institutions receiving title IV-E or IV-B funds.

☒ Strength ☐ Area Needing Improvement

Item 42 is rated as a Strength because statewide licensing or approval standards for foster and adoptive homes are found in statute, administrative rule, and policy and are applied to all licensed or approved foster family homes.

According to the Statewide Assessment, Statewide licensing or approval standards for foster and adoptive homes are found in statute, administrative rule, and policy. The process for licensure as a foster home or (State) approval as an adoptive home is standardized. The same process is used for both foster and adoptive applicants. Applicants participate in the same pre-service training and the same forms are used to process either type of applicant. The process and requirements are the same for kin applicants if they apply to become licensed or approved to adopt. CFSD has a separate process for approving non-licensed kinship providers to provide unpaid foster care.

Stakeholders commenting on this issue noted that standards are applied to both relative and non-relative foster homes. The only waivers are rare exceptions to training requirements for relative foster homes. Guardian families also have to meet licensing standards.

Item 43. The State complies with Federal requirements for criminal background clearances as related to licensing or approving foster care and adoptive placements and has in place a case planning process that includes provisions for addressing the safety of foster care and adoptive placements for children.

☒ Strength ☐ Area Needing Improvement

This item is rated as a Strength because all licensed providers are subject to criminal background checks and child protective services (CPS) background checks.

As noted in the Statewide Assessment, all licensed providers are subject to criminal background checks and child protective services (CPS) background checks. As of April 1, 2002, the criminal background check includes finger printing. Prospective foster parents are denied a license if their criminal history includes any of the crimes listed in ASFA. In addition, a prospective provider is typically denied a license if the background check reveals a substantiated CPS history. With approval by the Regional Administrator, exceptions are allowed if the CPS background check identifies substantiated child abuse/neglect. However, no exceptions are made if the criminal background check reveals convictions for the felonies listed in ASFA.

Most stakeholders commenting on this issue noted that nationwide criminal background checks are being conducted. However, stakeholders reported some concerns that placements are made with relatives without adequate background checks being conducted.

Item 44. The State has in place a process for ensuring the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.

☒ Strength ☐ Area Needing Improvement

Item 44 is rated as a Strength because the State makes efforts to recruit foster and adoptive homes reflecting the ethnic and racial diversity of the children in the State.

As noted in the Statewide Assessment, both external stakeholders and CFSD staff identify the need for more Native American adoptive homes, or at least for adoptive families to be trained in Native American culture. Family group decision-making meetings help in identifying relatives who may be willing and able to adopt.

The State plan for recruitment and retention provides that this be done on the local level. The State includes using kinship home recruitment, Family Group Decision Making Meetings, and the use of tribally licensed homes. In addition, the social histories of children are circulated statewide, as well as to the private adoption agencies in the State. Other recruitment tools utilized by the State include child specific recruitment through the use of the Treasure Book and related website, treasurebook.org, the National Adoption Center website, adopt.org/mt, and Montana's Waiting Child program. In addition to the child specific effectiveness of these tools, they serve as a general recruitment tool for all children. Family Find is an active recruitment method that is used in at least two regions; much recruitment happens by word of mouth. Montana has recently formed an informal Interstate Coalition with their bordering States, N. Dakota, S. Dakota, Wyoming, and Idaho. The Permanency Planners meet via telephone conference call periodically (about 1 per quarter) and share information about children and possible resources. Although this process is just getting started, participants are hopeful of positive results.

Statewide efforts to retain foster and adoptive homes include supporting the Annual Indian Child Welfare Conference and the annual conference for the Montana Foster and Adoptive Parent Association (MSFAPA) as well as doing mailings and proposing funding for the MSFAPA Executive Director position. The State provides funding for foster and adoptive parents to attend the conferences. In local areas such things as Foster and Adoptive Appreciation dinners and picnics are held for parents and families. The State provides support group meetings in some areas, and supports the MSFAPA support groups in other areas. Recently the State and MSFAPA began work on the development of a Memorandum of Understanding and a formalized problem resolution procedure. Demands on licensing workers' time continue to increase. There continues to be a lack of funding for an adequate number of staff to train and license parents in a timely manner. Since training and licensing is only a portion of the worker's duties, balancing workload demands continues to be an issue.

Stakeholders commenting on this issue noted that the CFSD is in need of Native American foster homes but does not do any specific recruiting for these homes. The State has a contract with the Foster Adoptive Parent Association to conduct statewide recruitment, but it is not clear that recruitment efforts are focusing on Native American homes or families from non-Caucasian ethnic or racial groups represented by the population of children in foster care. Stakeholders in one site raised concerns about foster homes having placements beyond their licensing capacity due to a lack of foster homes. While this practice has not appeared to have resulted in any maltreatment incidents, there is a concern that the State does need to reconsider its recruitment efforts in order to assure the quality of the services provided to children while they are in the foster care system.

Item 45. The State has in place a process for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.

 X Strength Area Needing Improvement

This item is rated as a Strength because as noted in the Statewide Assessment, the State has in place a process for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.

As noted in the Statewide Assessment, intrastate cross-jurisdictional placements have been tracked for the past three years. A total of 198 of 653 (or 30%) adoption finalizations occurred across county lines within the State of Montana. Over the past four years a total of 797 children have been adopted out of Montana's foster care system. Out of the 797, 72 were adopted by families in another State. Montana has used contracted services with both in-State and out-of-State private agencies and social workers as well as the cooperative interstate services of other States to expedite the finalization of these adoptions.

Stakeholders commenting on this issue suggested that children are sometimes placed in other States if no adoptive homes are available in Montana. If a child is legally free for adoption, information is sent statewide to private agencies. After 30 days, the child's information is placed in the Treasure Book and other venues. Active recruitment of relatives who are out of State is pursued.

XI. DETERMINATION OF SUBSTANTIAL CONFORMITY

For each outcome and systemic factor listed below, mark “Y” where the State is determined to be in substantial conformity and “N” where the State is determined not to be in substantial conformity. For each outcome or systemic factor marked “N,” place a check beside the performance indicator, listed by item number in this form that has been determined to be an area needing improvement.

Outcomes

I. Safety

N Outcome S1

x Item 1

x Item 2

N Outcome S2

Item 3

x Item 4

II. Permanency

N Outcome P1

x Item 5

x Item 6

x Item 7

x Item 8

x Item 9

x Item 10

N Outcome P2

Item 11

Item 12

x Item 13

Item 14

x Item 15

x Item 16

III. Child and Family Well-Being

N Outcome WB1

x Item 17

x Item 18

x Item 19

x Item 20

Y Outcome WB2

Item 21

N Outcome WB3

x Item 22

x Item 23

Systemic Factors

Y Statewide Information System

Item 24

N Case Review System

x Item 25

x Item 26

x Item 27

Item 28

Item 29

N Quality Assurance System

x Item 30

x Item 31

Y Training

Item 32

Item 33

Item 34

Y Service Array

Item 35

Item 36

Item 37

Y Agency Responsiveness to the Community

Item 38

Item 39

Item 40

Y Foster and Adoptive Parent Licensing, Recruitment, and Retention

Item 41

Item 42

Item 43

Item 44

Item 45